

WEDNESDAY, MAY 5, 1999

TWENTY-SIXTH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Randy Berkner, Trevecca Community Church, Nashville, Tennessee.

Representative Beavers led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Hood; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 81: Rep(s). Buck as prime sponsor(s).

House Bill No. 81: Rep(s). S. Jones and Patton as prime sponsor(s).

House Bill No. 147: Rep(s). Buck as prime sponsor(s).

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

- House Bill No. 147:** Rep(s). S. Jones, Hargett, Patton and Ford as prime sponsor(s).
- House Bill No. 158:** Rep(s). Buck as prime sponsor(s).
- House Bill No. 158:** Rep(s). S. Jones and Patton as prime sponsor(s).
- House Bill No. 443:** Rep(s). Fitzhugh and Maddox as prime sponsor(s).
- House Bill No. 614:** Rep(s). Cooper as prime sponsor(s).
- House Bill No. 645:** Rep(s). Buttry as prime sponsor(s).
- House Bill No. 688:** Rep(s). Langster and Turner (Hamilton) as prime sponsor(s).
- House Bill No. 720:** Rep(s). Hargett and Pleasant as prime sponsor(s).
- House Bill No. 915:** Rep(s). Hagood as prime sponsor(s).
- House Bill No. 1103:** Rep(s). West, Turner (Shelby), S. Jones, Baird and Buttry as prime sponsor(s).
- House Bill No. 1104:** Rep(s). Walker, Baird, Buttry, McCord, Dunn, Sargent, Montgomery, Davis, (Washington), Maddox, Turner (Hamilton) and Stulce as prime sponsor(s).
- House Bill No. 1111:** Rep(s). Walker as prime sponsor(s).
- House Bill No. 1113:** Rep(s). Walker as prime sponsor(s).
- House Bill No. 1512:** Rep(s). West as prime sponsor(s).
- House Bill No. 1568:** Rep(s). Bone, Buttry and Turner (Hamilton) as prime sponsor(s).
- House Bill No. 1747:** Rep(s). Fitzhugh, Winningham, Turner (Hamilton), Pruitt and Langster as prime sponsor(s).
- House Bill No. 1849:** Rep(s). Fowlkes, Ridgeway and Chumney as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Odom was/were removed as sponsor(s) of **House Bill No. 81**.

On motion, Rep(s). Odom was/were removed as sponsor(s) of **House Bill No. 147**.

On motion, Rep(s). Odom was/were removed as sponsor(s) of **House Bill No. 158**.

MESSAGE FROM THE SENATE

May 4, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 212, 213, 214, 215, 217, 218, 219, 223, 224 and 226; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 212 -- Memorials, Recognition and Thanks - Russell Jay Bragg. by *Herron.

Senate Joint Resolution No. 213 -- Memorials, Death - Dr. Fred Ownby. by *Womack.

Senate Joint Resolution No. 214 -- Memorials, Retirement - Dr. William Ellis, Austin Peay State University professor. by *Kurita, *Kyle.

Senate Joint Resolution No. 215 -- Memorials, Academic Achievement - Cristin Sutphin, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 217 -- Memorials, Academic Achievement - Rachel Lane, 1999 Valedictorian, Pleasant View Christian School. by *Kurita.

Senate Joint Resolution No. 218 -- Memorials, Academic Achievement - Sarah Hicks, 1999 Pleasant View Christian School Salutatorian. by *Kurita.

Senate Joint Resolution No. 219 -- Memorials, Personal Achievement - John Aaron Beasley, Eagle Scout. by *Springer.

Senate Joint Resolution No. 223 -- Naming and Designating - "Community Action Month" May. by *Crowe.

Senate Joint Resolution No. 224 -- Naming and Designating - "Child Abuse Prevention Month" April. by *Crowe.

Senate Joint Resolution No. 226 -- General Assembly - Directs spreading of SJR 37 and SJR 79 on Senate Journal. by *Cohen.

MESSAGE FROM THE SENATE

May 4, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 14, 502, 544, 545, 877, 1080, 1229, 1494, 1720 and 1815; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 14** -- Custody and Support - Grants rights to non-custodial, biological parent, upon petitioning court, to be notified relative to any medical and/or psychological treatment of child. Amends TCA Title 36, Chapter 6, Part 1. by *Davis L. (HB557 by *Windle, *Bowers)

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

***Senate Bill No. 502** -- Jails, Local Lock-ups - Permits two or more counties to enter into interlocal agreements for jail or workhouse to serve agreeing counties; provides exception to requirement that jail or workhouse be located within county boundary; makes sheriffs' duties subject to interlocal agreement. Amends TCA Title 41, Chapters 2 and 4, and Sections 5-7-105 and 8-8-201. by *Rochelle, *Kyle. (HB1299 by *Curtiss)

***Senate Bill No. 544** -- Medical Occupations - Authorizes EMTs and EMT-Ps to receive cash bonuses for completing annual in-service training, subject to funding. Amends TCA Title 68, Chapter 140. by *Springer. (HB1039 by *White, *Fowlkes)

***Senate Bill No. 545** -- Firefighters - Authorizes volunteer firefighters to receive cash bonuses for completing annual in-service training, subject to funding. Amends TCA Title 4, Chapter 24. by *Springer. (HB1042 by *White, *Fowlkes)

Senate Bill No. 877 -- Election Laws - Permits administrator of elections to employ relative of county election commission member on election day with approval of county election commission. Amends TCA Title 2. by *Burks. (*HB604 by *Buck, *Winningham)

Senate Bill No. 1080 -- Insurance Companies, Agents, Brokers, Policies - Rewrites certain procedural provisions regarding rehabilitation and liquidation of insurance companies. Amends TCA Title 56, Chapters 9 and 12. by *Womack. (*HB919 by *Sands)

Senate Bill No. 1229 -- Fees - Expands authority to demand appellate fees to any deputy clerk; reorganizes appellate court fees. Amends TCA Title 8, Chapter 21, Part 5. by *Haynes. (*HB975 by *McMillan)

***Senate Bill No. 1494** -- Hospitals and Health Care Facilities - Requires ambulatory surgical treatment centers to report to commissioner of health all claims data found on HCFA form 1500; reports of claims data, waiver, penalty for failure to report and immunity from civil liability for reporting applicable to hospitals also apply to ASTCs. Amends TCA Section 68-1-108. by *McNally. (HB1225 by *Walley)

***Senate Bill No. 1720** -- Business Organizations - Makes technical changes to limited liability companies. Amends TCA Title 48. by *Dixon. (HB1807 by *Bowers)

Senate Bill No. 1815 -- Local Government, General - Limits exercise of powers by private act metropolitan hospital authorities to county in which it is located. Amends TCA Sections 7-57-501 and 7-57-502. by *Ford J. (*HB1736 by *Armstrong, *Cole (Dyer), *Fitzhugh, *Maddox, *Rinks, *Phelan, *Walley)

REPORT OF CHIEF ENGROSSING CLERK

May 4, 1999

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 26, 226, 247, 260, 436, 482, 845, 858, 1255, 1495 and 1948.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

May 4, 1999

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 442, 666, 1105, 1501 and 1871, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 4, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 53, 211 and 230; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 4, 1999

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 36, 508, 619, 675, 676, 1268 and 1310.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 4, 1999

The Speaker signed the following: House Bill(s) No(s). 36, 508, 619, 675, 676, 1268 and 1310.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 4, 1999

The Speaker signed the following: Senate Bill(s) No(s). 364, 913, 1140 and 1331.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. McAfee was recognized in the well to introduce Tommy Beaty and Johnie Paul Wells in honor of their retirements.

RESOLUTIONS READ

The Clerk read House Joint Resolution(s) No(s). 98 and 118 honoring Mr. Beaty and Mr. Wells.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 221** -- General Assembly, Studies - Creates special joint committee to study autism issues. by *Odom.

House Education Committee

RESOLUTIONS REFERRED May 5, 1999

Pursuant to **Rule No. 44**, the following resolution(s) was/were referred to the following Committee(s):

***House Joint Resolution No. 223** -- General Assembly, Confirmation of Appointment - Valerie Copeland Rutledge, State Board of Education. by *Brown.

House Education Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 6, 1999:

House Resolution No. 49 -- Naming and Designating - "Small and Minority Business Day on the Hill," May 5, 1999. by *Towns.

House Joint Resolution No. 222 -- Memorials, Public Service - Mayor Herman Cox. by *Scroggs, *Todd, *Hargett, *Pleasant, *Naifeh, *Kent, *Hassell, *Miller L, *DeBerry J, *Kernell, *Jones U (Shelby), *Turner (Shelby), *Cooper B, *Chumney, *DeBerry L.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 6, 1999:

Senate Joint Resolution No. 212 -- Memorials, Recognition and Thanks - Russell Jay Bragg. by *Herron.

Senate Joint Resolution No. 213 -- Memorials, Death - Dr. Fred Ownby. by *Womack.

Senate Joint Resolution No. 214 -- Memorials, Retirement - Dr. William Ellis, Austin Peay State University professor. by *Kurita, *Kyle.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 215 -- Memorials, Academic Achievement - Cristin Sutphin, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 217 -- Memorials, Academic Achievement - Rachel Lane, 1999 Valedictorian, Pleasant View Christian School. by *Kurita.

Senate Joint Resolution No. 218 -- Memorials, Academic Achievement - Sarah Hicks, 1999 Pleasant View Christian School Salutatorian. by *Kurita.

Senate Joint Resolution No. 219 -- Memorials, Personal Achievement - John Aaron Beasley, Eagle Scout. by *Springer.

Senate Joint Resolution No. 226 -- General Assembly - Directs spreading of SJR 37 and SJR 79 on Senate Journal. by *Cohen.

RESOLUTIONS LYING OVER

On motion, the resolution(s) listed was/were referred to the appropriate Committee:

Senate Joint Resolution No. 223 -- Naming and Designating - "Community Action Month" May. by *Crowe.

House State and Local Government Committee

Senate Joint Resolution No. 224 -- Naming and Designating - "Child Abuse Prevention Month" April. by *Crowe.

House State and Local Government Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1971 -- LaFollette - Subject to local approval, revises term and duties of mayor. by *Baird.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 1973, was/were referred to the Delayed Bills Committee.

***House Bill No. 1973** -- Utilities, Utility Districts - Increases board of commissioners of Turnbull-White Bluff Utility District of Dickson County from three to five members, to be appointed by county executive; initial terms to expire 12/31/99, with subsequent appointments to be four year terms. Amends TCA Section 7-82-307. by *Jackson. (SB1964 by *Springer)

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 502** -- Jails, Local Lock-ups - Permits two or more counties to enter into interlocal agreements for jail or workhouse to serve agreeing counties; provides exception to requirement that jail or workhouse be located within county boundary; makes sheriffs' duties subject to interlocal agreement. Amends TCA Title 41, Chapters 2 and 4, and Sections 5-7-105 and 8-8-201. by *Rochelle, *Kyle. (HB1299 by *Curtiss)

***Senate Bill No. 544** -- Medical Occupations - Authorizes EMTs and EMT-Ps to receive cash bonuses for completing annual in-service training, subject to funding. Amends TCA Title 68, Chapter 140. by *Springer. (HB1039 by *White, *Fowlkes)

***Senate Bill No. 545** -- Firefighters - Authorizes volunteer firefighters to receive cash bonuses for completing annual in-service training, subject to funding. Amends TCA Title 4, Chapter 24. by *Springer. (HB1042 by *White, *Fowlkes)

Senate Bill No. 877 -- Election Laws - Permits administrator of elections to employ relative of county election commission member on election day with approval of county election commission. Amends TCA Title 2. by *Burks. (*HB604 by *Buck, *Winningham)

Senate Bill No. 1080 -- Insurance Companies, Agents, Brokers, Policies - Rewrites certain procedural provisions regarding rehabilitation and liquidation of insurance companies. Amends TCA Title 56, Chapters 9 and 12. by *Womack. (*HB919 by *Sands)

Senate Bill No. 1229 -- Fees - Expands authority to demand appellate fees to any deputy clerk; reorganizes appellate court fees. Amends TCA Title 8, Chapter 21, Part 5. by *Haynes. (*HB975 by *McMillan)

***Senate Bill No. 1494** -- Hospitals and Health Care Facilities - Requires ambulatory surgical treatment centers to report to commissioner of health all claims data found on HCFA form 1500; reports of claims data, waiver, penalty for failure to report and immunity from civil liability for reporting applicable to hospitals also apply to ASTCs. Amends TCA Section 68-1-108. by *McNally. (HB1225 by *Walley)

***Senate Bill No. 1720** -- Business Organizations - Makes technical changes to limited liability companies. Amends TCA Title 48. by *Dixon. (HB1807 by *Bowers)

Senate Bill No. 1815 -- Local Government, General - Limits exercise of powers by private act metropolitan hospital authorities to county in which it is located. Amends TCA Sections 7-57-501 and 7-57-502. by *Ford J. (*HB1736 by *Armstrong, *Cole (Dyer), *Fitzhugh, *Maddox, *Rinks, *Phelan, *Walley)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1970 -- Hardin County -- Local Bill Held on House Desk

CAPTION BILLS REFERRED

May 5, 1999

Pursuant to **Rule No. 47**, the following Caption Bill(s), 1580, 81, 147, 158, 160 and 830 held on the Clerk's desk were referred to the following Committee(s):

House Bill No. 1580 -- Pensions and Retirement Benefits -- House Finance, Ways and Means Committee

***House Bill No. 81** -- Local Government, General -- House State and Local Government Committee

***House Bill No. 147** -- Alcoholic Beverages -- House State and Local Government Committee

***House Bill No. 158** -- Taxes -- House Agriculture Committee

***House Bill No. 160** -- Fireworks -- House Health and Human Resources Committee

House Bill No. 830 -- Insurance, Health, Accident -- House Finance, Ways and Means Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 4, 1999**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 6, 1999**: House Bill(s) No(s). 1594, 1290, 793, 1564, 878, 1863, 1124, 580, 808, 1738, 382, 361, 389, 400, 339, 340, 345, 355, 356, 358, 365, 375, 951, 1513, 604, 763, 335, 1267, 1704 and 1813.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 10, 1999**: House Bill(s) No(s). 615, 868, 1194, 1195, 1181, 1299 House Joint Resolution(s) No(s) 136, 101, and 121.

The Committee further reports that House Bill(s) No(s). 1804 was referred to the Budget Subcommittee.

AGRICULTURE

The Agriculture Committee recommended for passage: House Joint Resolution(s) No(s).201, 203 and 202, also House Bill(s) No(s). 1846 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 893, 1772, 919, 1725 and 1820; also House Bill(s) No(s). 1424, 703, 1403, 1451, 1590 and 1736 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 487, 1213 and 1360; also House Bill(s) No(s). 332, 1536, 318 and 275 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended for passage: House Joint Resolution(s) No(s). 191 and 199. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 437 and 1125 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1875 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1796 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reports that House Bill(s) No(s). 1240, 1505 and 1716 were considered, but failed to pass.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 1915, 1757 and 1852, also House Bill(s) No(s). 948 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 385, 392, 402, 1680 and 1784, also House Bill(s) No(s). 366, 376, 348, 352, 369, 377, 378, 349 and 398 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 1762, 1190, and 1792, also House Bill(s) No(s). 1208, 595 and 1228 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1054, 592 and 1192; also House Bill(s) No(s). 319 and 1326 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 181, 492, 1419, 1179, 1517 and 1604, also House Bill(s) No(s). 299, 1823 and 1254 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 1755, House Joint Resolution(s) No(s). 197, 205 and Senate Joint Resolution(s) No(s). 114. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1861. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 5, 1999**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 10, 1999**: House Bill(s) No(s). 985, 1328, 192, 1444, 1445, 965, 207, 507, 1145, 1167 and 1438.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 10, 1999**: House Bill(s) No(s). 992, 1531, 975 and 1433.

The Committee further reports that House Bill(s) No(s). 1806 and 1225 were referred to the Finance, Ways and Means Committee.

CHILDREN & FAMILY AFFAIRS

The Children and Family Affairs Committee recommended for passage: House Bill(s) No(s). 505 and 1133 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1890 and 1063 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSERVATION AND ENVIRONMENT

The Conservation and Environment Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1570 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 962, 903, 1173, 2, also House Bill(s) No(s). 1865, 1395, 1134 and 1005 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1055; also House Bill(s) No(s). 1144 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 1347, 1022, 1815, House Joint Resolution(s) No(s). 176 and 82, also House Bill(s) No(s). 1196 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1831, 743, 1522 and House Joint Resolution(s) No(s). 144; also House Bill(s) No(s). 1191, 1524, 1371, 1032 and 1487 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reports that House Bill(s) No(s). 1221 and 737 were considered, but failed to pass.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 1924, also House Bill(s) No(s). 760 and 1399 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1385, 757, 1232, 1234 and 1629 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 45 -- Memorials, Interns - Chris W. Birchfield. by *Whitson, *Todd.

House Resolution No. 46 -- Memorials, Personal Achievement - Ida Frances Phelps Tisdale, Bethel Pride Club's "Mother of the Year". by *Pruitt, *Cooper B, *Bowers, *Chumney, *Langster, *Robinson, *Briley, *West, *Odom, *DeBerry J, *Arriola, *Jones, S..

House Resolution No. 47 -- Memorials, Interns - Zachary Odom. by *Mumpower, *Godsey, *Davis (Washington).

House Resolution No. 48 -- Memorials, Recognition and Thanks - Former members of Rural West Tennessee Democratic Caucus. by *Kisber, *Rinks, *Ridgeway, *Pinion, *White, *Cole (Dyer), *Fitzhugh, *Tidwell, *Phelan, *Maddox, *Naifeh.

House Joint Resolution No. 214 -- Memorials, Academic Achievement - Lydia Gibson, Valedictorian, Hardeman County Home School Program. by *Walley, *Fitzhugh.

House Joint Resolution No. 215 -- Memorials, Public Service - Martha Nan Meredith, Spirit of Johnson City Award recipient. by *Patton, *Davis (Washington).

House Joint Resolution No. 217 -- Memorials, Heroism - Tennesseans in Operation: "Allied Force" in Kosovo. by *Buttry, *Hagood, *Sharp, *Boyer, *Tindell, *Dunn, *Montgomery, *Bittle, *Armstrong, *McCord.

House Joint Resolution No. 218 -- Memorials, Sports - Hendersonville High School Cheerleading Squad National Championship. by *Black.

House Joint Resolution No. 219 -- Memorials, Sports - Hendersonville High School Golden Girls Dance Team. by *Black.

Senate Joint Resolution No. 260 -- Memorials, Public Service - Sam Ramsey, Springfield-Robertson County Chamber of Commerce Volunteer of the Year. by *Graves.

Rep. Armstrong moved that all members voting aye on House Joint Resolution No. 217 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	98
Noes	0

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 268 -- Public Records - Clarifies appropriate fee calculations for registrars relative to recording assignment and release of mortgage, deed of trust or other lien Amends TCA Section 8-21-1001, by *Sharp. (*SB174 by *Fowler)

Further consideration of House Bill No. 268 previously considered on April 26, 1999 and April 28, 1999 at which time it was reset for today's Calendar.

On motion, House Bill No. 268 was made to conform with **Senate Bill No. 174**; the Senate Bill was substituted for the House Bill.

Rep. Sharp moved that **Senate Bill No. 174** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

House Bill No. 1103 -- Aged Persons - Imposes civil penalty of up to \$10,000 per violation on persons who use practices in violation of Tennessee Consumer Protection Act which victimize persons who are at least 60 years of age. Amends TCA Title 47, Chapter 18, Part 1. by *Godsey, *McDaniel, *Cole (Carter), *Mumpower, *Wood, *Scroggs, *Walker (Rhea), *Rinks, *McKee, *Ford S, *Roach, *Bittle, *Montgomery, *Boyer, *Walley, *Harwell, *Hagood, *Armstrong, *McCord, *Pleasant, *Sharp, *Sargent, *Todd, *Black, *Hassell, *Beavers, *Davis (Washington), *Whitson, *Hargett, *West, *Turner (Shelby), *Jones, S.. (*SB1587 by *Blackburn, *Crowe, *Miller J, *Williams)

Further consideration of House Bill No. 1103 previously considered on April 26, 1999 and April 28, 1999 at which time it was reset for today's Calendar.

Rep. Godsey moved that House Bill No. 1103 be passed on third and final consideration.

Rep. Godsey moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1103 is hereby amended by deleting all the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is hereby amended by adding the following as an appropriately codified new section:

(a) Any person who knowingly uses, or has knowingly used, a method, act or practice which targets elderly persons and is in violation of the Tennessee Consumer Protection Act, is liable to the State of Tennessee for a civil penalty of not more than ten thousand (\$10,000) dollars for each violation. Each violation may include but is not limited to, each elder person solicited, each advertisement that was distributed, each misrepresentation or deceptive statement that appeared on a solicitation, each time that an advertisement appeared on television or on radio, each contact i.e., telephone call, direct mail solicitation or in person solicitation with an elder person to promote or solicit using unfair, misleading or deceptive acts or practices.

(b) The civil penalties recoverable by the State of Tennessee under this part are supplemental and cumulative to any other available civil penalties and relief available pursuant to Tennessee Code Annotated, §47-18-108.

(c) As used in this section, unless the context otherwise requires:

(1) "elder person" means any person who is sixty (60) years of age or older. The elder person need not be a citizen of Tennessee if the company or individual is operating from Tennessee or the court otherwise has jurisdiction over the company or individual for engaging in an unfair, misleading or deceptive act or practice from Tennessee.

(2) "Tennessee Consumer Protection Act" means the Tennessee Consumer Protection Act of 1977, Tennessee Code Annotated, §47-18-101 et seq and related statutes. Related statutes specifically include any statute that indicates within the law, regulation or rule that a violation of that law, regulation or rule is violation of the Tennessee Consumer Protection Act of 1977. Without limiting the scope of this definition, related statutes include but are not limited to, the Prize and Promotion Act, Tennessee Code Annotated, §47-18-120 et seq., Health Club Act, Tennessee Code Annotated, §47-18-301 et seq., Buyer's Clubs Act, Tennessee Code Annotated §47-18-501 et seq., Home Solicitations Sales Act of 1974, Tennessee Code Annotated, §47-18-601 et seq., Tennessee Credit Services Businesses Act, Tennessee Code Annotated, §47-18-1001 et seq., Consumer Telemarketing Protection Act of 1990, Tennessee Code Annotated, 47-18-1501, Unsolicited Telefacsimile Advertising Act, Tennessee Code Annotated, §47-18-1601 et seq., Tennessee Employment Agency Act, Tennessee Code Annotated, §47-18-1701 et seq., and Membership Camping Act, Tennessee Code Annotated, §66-32-301 et seq.

SECTION 2. If any provision of the act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. West moved that House Bill No. 1103 be reset for the Regular Calendar on May 12, 1999, which motion prevailed.

House Bill No. 557 -- Custody and Support - Grants rights to non-custodial, biological parent, upon petitioning court, to be notified relative to any medical and/or psychological treatment of child. Amends TCA Title 36, Chapter 6, Part 1. by "Windle, *Bowers. (*SB14 by *Davis L)

Further consideration of House Bill No. 557 previously considered on April 28, 1999 at which time it was reset for today's Calendar.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Rep. Windle moved that House Bill No. 557 be reset for the Regular Calendar on May 19, 1999, which motion prevailed.

***House Bill No. 645** -- Boards and Commissions - Requires boards and commissions attached to division of health related boards and to division of regulatory boards to suspend or revoke license of any person under their jurisdiction who has defaulted on state or federal student loan. Amends TCA Title 56, Title 62 and Title 63. by *Patton, *Caldwell, *Mumpower, *Davis (Washington), *Ford S, *Tidwell, *Maddox, *Montgomery, *Pleasant, *Beavers, *Black, *Dunn, *Hargett, *Newton, *Hood, *Todd, *Baird. (SB1216 by *Fowler)

Further consideration of House Bill No. 645 previously considered on April 28, 1999 at which time it was reset for today's Calendar.

Rep. Patton requested that House Bill No. 645 be moved to the heel of the Calendar.

***House Bill No. 1919** -- Education - Requires certain students to disclose certain adjudications and convictions as requisite for enrollment or re-enrollment in LEA. Amends TCA Title 37 and Title 49. by *DeBerry L. (SB1888 by *Dixon)

Rep. L. DeBerry requested that House Bill No. 1919 be moved to the heel of the Calendar.

House Bill No. 443 -- Libraries - Transfers employees of regional library system to office of secretary of state; changes regional library boards to regional library advisory boards. Amends TCA Section 8-34-101; Section 8-34-206(b); Section 8-34-612(b); Section 8-35-101(c); Section 8-35-212; Section 8-35-215; Section 8-37-202(a)(3) and Title 10, Chapter 5. by *Kisber, *McMillan. (*SB419 by *Crutchfield)

Rep. Kisber moved that House Bill No. 443 be passed on third and final consideration.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Rhinehart moved adoption of Council of Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 443 by deleting SECTIONS 1 - 8 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-5-101, is amended by deleting the first sentence thereof in its entirety and by substituting instead the following:

Two (2) or more counties which have qualified for participation in the state's multi-county regional library program and have been recognized as a region by the state library and archives management board, and have made the minimum local appropriation of funds as may now or hereafter be required by such management board, are hereby empowered and authorized to execute contracts with each other to create a regional library board to assist the secretary of state, acting through the division of public libraries and archives, in administering and controlling the regional library services within the region.

SECTION 2. Tennessee Code Annotated, Section 10-5-103, is amended by deleting the same in its entirety and by substituting instead the following:

Each regional library board has the following duties and functions:

(1) Formulate recommendations and concur with the secretary of state in the appointment and/or removal of the chief administrative officer and the deputy chief administrative officer of the regional library program within its region;

(2) Formulate and submit to the secretary of state recommendations concerning the annual budget for the public library service within its region;

(3) Formulate and submit to the secretary of state recommendations on the long range plan and annual program for administering the public library service within its region; and

(4) Review the activities performed in carrying out the annual program and submit comments and recommendations to the secretary of state regarding such activities.

SECTION 3. Tennessee Code Annotated, Section 10-5-104, is amended by deleting the same in its entirety and by substituting instead the following:

The county legislative bodies and municipal governing bodies of counties and cities which have signed agreements for regional library services are authorized to make available to the secretary of state, acting through the division of public libraries and archives, such funds as may be deemed necessary to supplement the funds received by the regional library through state and federal resources. Such funds shall be expended only for the library service for which the county or city agreed in writing and for no other purpose.

(b) The regional library board, acting through the chief administrative officer of its regional library program, shall make a detailed report of receipts and disbursements of all funds at the first regular meeting of the legislative body of every participating county and the governing body of every participating city after the close of the state's fiscal year.

SECTION 4. Tennessee Code Annotated, Section 10-5-105, is amended by deleting the same in its entirety and by substituting instead the following:

The chief administrative officer of each regional library program, acting under the direction of the secretary of state and within the limitation of funds available, may employ such personnel as may be necessary for administering the public library service within the region. Any individuals so employed shall be subject to personnel policies and regulations applicable to employees of the department of state such as leave, compensation, classification and travel requests.

SECTION 5. Tennessee Code Annotated, Section 10-5-106, is amended by deleting the same in its entirety and by substituting instead the following:

The secretary of state, acting through the state librarian and archivist and the division of public libraries and archives, is authorized to accept donations and bequests on behalf of the regional library system. The department of state shall have the authority to establish or maintain regional library accounts with financial institutions for the deposit of funds from local government sources and other donated funds for the purpose of the acquisition of library books, materials, equipment and services upon request of the chief administrative officer of the respective regional library program subject to the provisions of title 9, chapter 4, part 3 relative to departmental accounts.

The secretary of state, acting through the division of public libraries and archives, may lease such real estate as may be necessary for library purposes. Any new lease entered into after the effective date of this act shall be between the state of Tennessee and the lessor and shall contain a clause that its continuance shall be subject to necessary allotments from the state library and archives management board and the availability of other funds. The state of Tennessee shall honor the remaining terms of any lease for regional library space which is in effect on the effective date of this act.

SECTION 6. Tennessee Code Annotated, Section 10-5-107, is amended by deleting the same in its entirety and by substituting instead the following:

Representation on a regional library board shall not be considered or construed in any manner as mandatory upon the county by virtue of this chapter. The formation and creation of such boards shall not be construed as having any impact on the provisions of title 10, chapter 3, part 1, relative to local library boards created by the governing body of a county, city or town.

AND FURTHER AMEND by deleting SECTION 9 of the printed bill in its entirety and by redesignating the existing SECTIONS accordingly.

WEDNESDAY, MAY 5, 1999 -- TWENTY-SIXTH LEGISLATIVE DAY

On motion, Council of Pensions and Insurance Committee Amendment No. 1 was adopted.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 443 By adding the following new sentence to subsection (c) of SECTION 7:

Notwithstanding any provisions of law to the contrary, any benefits of any kind for state employees that were provided to the employees of a regional library during their employment by the regional library are hereby approved, validated and ratified from the date such benefits were conferred or given to the employees by any department, agency or institution of higher education of the state.

On motion, State and Local Government Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Kisber moved that **House Bill No. 443**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 1645** -- Medical Occupations - Revises Occupational and Physical Therapy Practice Act. Amends TCA Title 63. by *McDaniel. (SB1759 by *Kurita)

Rep. McDaniel moved that House Bill No. 1645 be passed on third and final consideration.

Rep. Kernell requested that Government Operations Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1645 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 13, Part 1, is amended by deleting the part in its entirety and by substituting instead the following as a new Part 1:

63-13-101.

This chapter shall be known and may be cited as the "Occupational and Physical Therapy Practice Act."

63-13-102.

This chapter is enacted for the purposes of protecting the public health, safety, and welfare and providing for state administrative control, supervision, licensure and regulation of the practice of physical therapy and occupational therapy. It is the legislature's intent that only individuals who meet and maintain prescribed standards of competence and conduct may engage in the practice of physical therapy and occupational therapy as authorized by this chapter. This chapter is intended to promote the public interest and to accomplish the purposes stated herein.

63-13-103. As used in this chapter, unless the context otherwise requires:

(1) "Board" means the board of occupational and physical therapy examiners;

(2) "Division" means the division of health related boards of the department of health;

(3) "Physical therapy" means the care and services provided by or under the direction and supervision of a physical therapist who is licensed pursuant to this act;

(4) "Physical therapist" means a person who is licensed pursuant to this act to practice physical therapy;

(5) "Practice of physical therapy" means:

(A) Examining, evaluating and testing individuals with mechanical, physiological and developmental impairments, functional limitations, and disability or other health and movement-related conditions in order to determine a physical therapy treatment diagnosis, prognosis, a plan of therapeutic intervention, and to assess the ongoing effect of intervention.

(B) Alleviating impairments and functional limitations by designing, implementing, and modifying therapeutic interventions that include, but are not limited to: therapeutic exercise; functional training; manual therapy; therapeutic massage; assistive and adaptive orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; debridement and wound care, physical agents or modalities, mechanical and electrotherapeutic modalities; and patient-related instruction.

(C) Reducing the risk of injury, impairments, functional limitation and disability, including the promotions and maintenance of fitness, health and quality of life in all age populations.

(D) Engaging in administration, consultation, education and research.

(E) Nothing in this definition shall be construed as allowing physical therapists to practice medicine, osteopathy, or chiropractic.

(6) "Physical therapist assistant" means a person who meets the requirements of this act for licensure as a physical therapist assistant and who performs physical therapy procedures and related tasks that have been selected and delegated only by the supervising physical therapist.

(7) "Physical therapy assistive personnel":

(A) "Physical therapy aide", inclusive of the terms aide, technician and transporter, means a person trained under the direction of a physical therapist who performs designated and supervised routine physical therapy tasks.

(B) "Other assistive personnel" means other trained or educated health care personnel not defined in item (6) or (7)(A) above, who perform specific designated tasks related to physical therapy under the supervision of a physical therapist. At the discretion of the supervising physical therapist, and if properly credentialed and not prohibited by any other law, "other assistive personnel" or "other support personnel" may be identified by the title specific to their training or education.

(8) "Restricted physical therapy license" means a license on which the board places restrictions or conditions, or both, as to scope of practice, place of practice, supervision of practice, duration of licensed status, or type or condition of patient or client to whom the licensee may provide services.

(9) "Restricted physical therapist assistant license" means a license on which the board has placed any restrictions due to action imposed by the board.

(10) "Supervision" of the physical therapist assistant means the supervising physical therapist will be readily available to the physical therapist assistant being supervised. When the physical therapist assistant is practicing in an offsite setting, the supervising physical therapist will be immediately accessible by telecommunications; patient conferences will be regularly scheduled and documented and supervisory visits will be made as further outlined in the rules and regulations.

(11) "On-site supervision" means the supervising physical therapist or physical therapist assistant must: (1) be continuously on-site and present in the department or facility where assistive personnel are performing services; (2) be immediately available to assist the person being supervised in the services being performed; and (3) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

Section 63-13-104. The practice of physical therapy shall be under the written or oral referral of a licensed doctor of medicine, chiropractic, dentistry, podiatry or osteopathy, except for the following:

(1) The initial evaluation which may be conducted without such referral;

(2) A licensed physical therapist may treat a patient for an injury or condition that was the subject of a prior referral if all of the following conditions are met:

(A) The physical therapist, within four (4) business days of the commencement of therapy, consults with the referring licensed physician, osteopathic physician, dentist, chiropractor, podiatrist, or other referring practitioner;

(B) For all episodes of physical therapy subsequent to that which was initiated by the referral, the physical therapist treats the patient for not more than ten (10) treatment sessions or fifteen (15) consecutive calendar days, whichever occurs first, whereupon the physical therapist must confer with the referring practitioner in order to continue the current episode of treatment; and

(C) The physical therapist commences any episode of treatment provided pursuant to this subsection within one (1) year of the referral by the referring practitioner.

(3) No physical therapist may provide treatment pursuant to subdivision (2) of this section without having been licensed to practice physical therapy for at least one (1) year and without satisfying other requirements set by the board.

(4) A licensed physical therapist may provide physical assessments or instructions including recommendation of exercise to an asymptomatic person without the referral of a referring practitioner.

(5) In emergency circumstances, including minor emergencies, a licensed physical therapist may provide assistance to a person to the best of a therapist's ability without the referral of a referring practitioner. Provided, however, the physical therapist shall refer to the appropriate health care practitioner, as indicated, immediately thereafter. For the purposes of this subsection, emergency circumstances means instances where emergency medical care is called for. Emergency medical care means bona fide emergency services provided after the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in:

(A) placing the patient's health in serious jeopardy;

(B) serious impairment to bodily functions; or

(C) serious dysfunction of any bodily organ or part.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 13, Part 3, is amended by deleting the part in its entirety and by substituting instead the following as a new Part 3:

63-13-301.

(a) The board of occupational and physical therapy examiners shall consist of nine (9) members appointed by the governor, each of whom shall be a resident of this state. The board shall consist of two (2) committees: a committee of occupational therapy and a committee of physical therapy.

(b) (1) Three (3) members of the board shall be occupational therapists who have had at least five (5) years' experience in the actual practice or teaching of occupational therapy immediately preceding their appointment. One (1) member of the board shall be a certified occupational therapy assistant who has had at least five (5) years experience in the actual practice or teaching in an occupational therapy assistant curriculum immediately preceding the appointment. The Tennessee Occupational Therapy Association may supply a list to the governor of at least three (3) nominees for each appointment or vacancy to be filled pursuant to subdivision (b)(1). The governor may make the appointment from such list.

(2) Three (3) members of the board shall be licensed physical therapists who have had at least five (5) years' experience in the actual practice or teaching of physical therapy immediately preceding their appointment. One (1) member of the board shall be a physical therapist assistant who has had at least five (5) years experience in the actual performance of physical therapy procedures and related tasks or teaching of physical therapist assistant curriculum immediately preceding the appointment. The Tennessee Physical Therapy Association may supply a list to the governor of at least three (3) nominees for each appointment or vacancy to be filled pursuant to this subdivision. The governor may make the appointment from such list.

(3) One (1) member of the board shall be a person who is not engaged in the practice of occupational therapy or physical therapy and who is not professionally or commercially associated with the health care industry. Occupational therapists and physical therapists serving on the board may supply a list of at least three (3) nominees for each appointment or vacancy to be filled pursuant to this subdivision; provided, that each of the nominees identified on such list enjoys the unanimous endorsement of such occupational therapists and physical therapists. The governor may make the appointment from such list.

(c) Board members appointed pursuant to subdivisions (b)(1) and (3) shall serve on the committee of occupational therapy. Board members appointed pursuant to subdivision (b)(2) and (3) shall serve on the committee of physical therapy. A quorum of either such committee shall consist of at least three (3) members.

(d) The board shall organize annually and select a chairman and a secretary. A quorum of the board shall consist of not less than five (5) members, of whom two (2) shall be physical therapists and two (2) shall be occupational therapists. Meetings of the board shall be held as frequently as its duties may require.

(e) The division of health related boards as defined in Section 63-1-104 shall be the administrative agency for the board.

(f) Each member shall be reimbursed for actual expenses incurred in the performance of official duties on the board, and in addition thereto, shall be entitled to a per diem of fifty dollars (\$50.00) for each day's services in conducting the business of the board. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(g) (1) Of the initial appointments to the board made pursuant to subdivisions (b)(1) and (3), two (2) members shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year. All regular appointments thereafter shall be for terms of three (3) years each. In making appointments to the board, the governor shall strive to ensure that at least one (1) person serving on the board is sixty (60) years of age or older, that at least one (1) person serving on the board is a member of a racial minority, and that the gender balance of the board reflects the gender balance of the state's population.

(2) Each member shall serve on the board until a successor is appointed.

(3) Vacancies shall be filled by appointment of the governor for the unexpired term.

(h) The governor may, at the request of the board, remove any member of the board for misconduct, incompetence or neglect of duty.

(i) There shall be no liability on the part of, and no action for damages against, any member of the board when such person is functioning within the scope of board duties, acting without malice and in the reasonable belief that the action taken is warranted by law.

63-13-302.

In addition to the powers granted elsewhere in the chapter, the board has the following duties:

(1) To promulgate, in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, all rules that are reasonably necessary for the performance of its duties and the proper administration of this chapter. All rules which relate exclusively to schools of physical therapy, to physical therapists or to physical therapist assistants shall be initiated and adopted by a majority of the members of the committee of physical therapy and all rules which relate exclusively to schools of occupational therapy, to occupational therapists or to occupational therapy assistants shall be initiated and adopted by a majority of the members of the committee of occupational therapy. Subject to the limitations contained herein, all rule making authority delegated by this chapter shall be vested in the board.

(2) Within the maximum limitations established elsewhere in this chapter, fees relating to physical therapy shall be set in an amount sufficient to pay all of the expenses of the committee of physical therapy as well as fifty percent (50%) of the board's general expenses, and fees relating to occupational therapy shall be set in an amount sufficient to pay all of the expenses of the committee of occupational therapy as well as fifty percent (50%) of the board's general expenses.

(3) Evaluate the qualifications of applicants for licensure and provide for the national examination for physical therapists and physical therapist assistants.

(4) Adopt passing scores for examination.

(5) Issue licenses to those who qualify under this act.

(6) Regulate the practice of physical therapy by interpreting and enforcing the provisions of this statute, including disciplinary action.

(7) Adopt and revise rules, as it deems necessary and appropriate, consistent with this law, for the discharge of its obligation under this section. Such rules, when lawfully adopted, shall have the effect of law.

(8) Establish requirements for assessing continuing competence of licensees.

(9) To collect or receive fees, fines and moneys owed pursuant to the provisions of this chapter and to pay the same into the general fund of the state. For purposes of implementing subdivision (1), the board shall designate any such fee, fine or monies as having originated from the regulation of physical therapy or from the regulation of occupational therapy.

(10) Provide for the timely orientation and training of new professional and public appointees to the board, including training in licensing and disciplinary procedures and orientation to all statutes, rules, policies and procedures of the board.

(11) Maintain a current listing of all persons licensed under this chapter, including the name, current business and residential address, telephone numbers and license number.

(12) Provide information to the public regarding the complaint process.

(13) Employ necessary personnel to carry out the administrative work of the board.

(14) Enter into contracts for services necessary for adequate enforcement of this chapter.

(15) Report final disciplinary action taken against a licensee to the national disciplinary database recognized by the board.

(16) Publish, at least annually, final disciplinary action taken against a licensee.

(17) Publish board rulings, opinions, or interpretations of statutes or rules to guide persons regulated under this act.

(18) Participate in or conduct performance audits.

63-13-303.

All applicants for physical therapist or physical therapist assistant licensure shall pay fees as established by rules designated for each type of license. This includes:

- (1) Application
- (2) Duplicate License

- (3) Endorsement/Verification
- (4) Examination
- (5) Late Renewal Penalty Fee
- (6) License Fee
- (7) Reciprocity
- (8) Reinstatement
- (9) Renewal
- (10) Restricted
- (11) State Regulatory Fee

SECTION 3. Tennessee Code Annotated, Title 63, Chapter 13, Part 4, is amended by deleting the part in its entirety and by substituting instead the following as a new Part 4:

63-13-401.

(a) Nothing in this chapter shall be construed as restricting a person licensed or certified under any other law of this state from engaging in the profession or practice for which the person is licensed or certified, provided, that the person does not represent himself or herself to be a physical therapist, a physical therapist assistant or a provider of physical therapy.

(b) The following persons shall be exempt from licensure as physical therapists or physical therapist assistants under this chapter:

(1) A person who is pursuing a course of study leading to a degree as a physical therapist or physical therapist assistant in an approved professional education program approved by the board, and is satisfying supervised clinical education requirements related to physical therapy education.

(2) A physical therapist or physical therapist assistant while practicing in the United States Armed Services, United States Public Health Service or Veterans Administration as based on requirements under federal regulations for state licensure of health care providers.

(3) A physical therapist or physical therapist assistant licensed in another U.S. jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty (60) days in a calendar year.

(c) Nothing in this chapter shall be construed as restricting persons licensed under any other law of this state from performing physical agent modalities for which they have received education and training.

63-13-402.

(a) An applicant for licensure as a physical therapist or physical therapist assistant shall file an application as required by the board. A non-refundable application fee and the cost of the examination shall accompany the completed written application. Fees shall be established by rules.

(b) Any applicant may request in writing and, upon request, shall be granted a hearing based upon action taken by the board regarding the applicant's application.

63-13-403.

(a) An applicant may take the examination for physical therapist licensure after the application process has been completed with this examination covering current physical therapy and practice.

(b) An applicant may take the examination for physical therapist assistant licensure after the application process has been completed with this examination covering current technical application of physical therapy services.

(c) Examinations shall be available within the state, at least quarterly, at such time and place, as the board shall determine. The passing score shall be determined by the board. Such examination may also include an oral examination or practical examination or both at the discretion of the committee.

(d) Applicants who do not pass the examination after the first attempt may re-take the examination one additional time without re-application for licensure. This must occur within six (6) months of initial board approval to take the exam. Prior to being approved by the board for subsequent testing beyond two (2) attempts, individuals shall re-apply and demonstrate evidence satisfactory to the board of having successfully completed additional clinical training and/or course work as determined by the board and defined in rules.

63-13-404.

(a) An applicant for licensure as a physical therapist shall have the following qualifications:

- (1) Be of good moral character;
- (2) Have completed the application process;
- (3) Be a graduate of a professional physical therapy education program accredited by a national accreditation agency approved by the board; and
- (4) Have successfully passed the national examination approved by the board.

(b) An applicant for license as a physical therapist assistant shall meet the following requirements:

- (1) Be of good moral character;
- (2) Have completed the application process;
- (3) Be a graduate of a physical therapist assistant education program accredited by a national accreditation agency approved by the Board; and
- (4) Have successfully passed the national examination approved by the board.

(c) The board shall issue a license to a physical therapist or physical therapist assistant who has a valid unrestricted license from another U.S. jurisdiction in which he or she, when granted such license, previously met all requirements as specified in subsections (a) and (b), and as further established by rules.

(d) In determining the qualifications of applicants for licensure as a physical therapist or as a physical therapist assistant, only a majority vote of the committee of physical therapy shall be required.

63-13-405.

(a) An applicant for licensure as a physical therapist who has been educated outside the United States shall meet the following qualifications:

- (1) Be of good moral character;
- (2) Have completed the application process;

(3) Provide satisfactory evidence that the applicant's education is substantially equivalent to the requirements of physical therapists educated in accredited educational programs as determined by the board. If the board determines that a foreign-educated applicant's education is not substantially equivalent, it may require completion of additional course work before proceeding with the application process;

(4) Provide written proof that the school of physical therapy education is recognized by its own ministry of education;

(5) Provide written proof of authorization to practice as a physical therapist without limitations in the country where the professional education occurred;

(6) Provide proof of legal authorization to reside and seek employment in the United States or its territories;

(7) Have the applicant's educational credentials evaluated by a board approved credential evaluation agency;

(8) Have passed the board approved English proficiency examinations if his or her native language is not English;

(9) Have participated in and completed an interim supervised clinical practice period prior to licensure; and

(10) Have successfully passed the national examination approved by the board.

(b) Notwithstanding the provisions of this section, if the foreign-educated physical therapist applicant is a graduate of a professional physical therapy education program accredited by an agency approved by the board, requirements in subdivisions (a)3, (a)4, (a)7, and (a)9 may be waived.

63-13-406.

(a) A physical therapist or physical therapist assistant licensed under the provisions of this statute shall renew his or her license as specified in the rules. An individual who fails to renew his or her license by the date of expiration, shall not practice physical therapy or function as a physical therapist assistant in the state of Tennessee.

(b) Each licensee shall report to the board a name change and changes in business and home address within thirty (30) days of the change.

63-13-407.

(a) Reinstatement of a lapsed license following a renewal deadline requires payment of a renewal fee, a late renewal penalty fee and a reinstatement fee, in accordance with the rules.

(b) Reinstatement of a license which has lapsed for more than three (3) consecutive years requires reapplying for a license and payment of fees in accordance with rules. The individual shall successfully demonstrate to the board competency in the practice of physical therapy or shall serve an internship under a restricted license or take remedial courses as determined by the board, or any combination of the preceding, at the board's discretion. The Board may also require the applicant to take an examination.

(c) When any license holder fails to register and pay the annual registration fee within sixty (60) days after registration becomes due, as provided in this section, the license of such person shall be automatically revoked at the expiration of the sixty (60) days after the registration was required, without further notice or hearing. Any person whose license is automatically revoked, as provided herein, may make application in writing to the committee for the reinstatement of such license and, upon good cause being shown, the committee, in its discretion, may reinstate such license upon payment of all past due renewal fees.

SECTION 4. Tennessee Code Annotated, Title 63, Chapter 13, is amended by adding the following as a new Part 5:

63-13-501.

(a) A physical therapist licensed under this act is fully authorized to practice physical therapy as defined herein.

(b) No person shall practice, or in any manner hold himself or herself out to be engaging in the practice of physical therapy or designate himself or herself as a physical therapist unless duly licensed as a physical therapist in accordance with this chapter.

(c) A physical therapist shall refer persons under his or her care to appropriate health care practitioners after consultation with the referring practitioner if the physical therapist has reasonable cause to believe symptoms or conditions are present which require services beyond the scope of practice or when physical therapy treatment is contraindicated.

(d) Physical therapists shall adhere to the recognized standards of ethics of the physical therapy profession and as further established by rule.

63-13-502.

(a) A physical therapist shall use the letters "PT" in connection with his or her name or place of business to denote licensure under this act.

(b) It is unlawful for any person, or for any business entity, its employees, agents or representatives to use in connection with his or her name, or the name or activity of the business, the words, "physical therapy," "physical therapist," "physiotherapy," "physiotherapist," "registered physical therapist," "licensed physical therapist" or the letters "PT," "LPT," "RPT," or any other words, abbreviations or insignia indicating or implying directly or indirectly that physical therapy is provided or supplied, including the billing of services labeled as physical therapy, unless such services are provided by or under the direction of a physical therapist licensed in accordance with this act.

(c) Nothing in this chapter shall be construed as restricting a person licensed or certified under any other law of this state from engaging in the profession or practice for which the person is licensed or certified, provided, that the person does not represent himself or herself to be a physical therapist, a physical therapist assistant or a provider of physical therapy.

(d) A physical therapist assistant shall use the letters "PTA" in connection with his or her name to denote licensure hereunder.

(e) No person shall use the title "physical therapist assistant" and use the letters "PTA" in connection with his or her name, or any other words, abbreviations or insignia indicating or implying directly or indirectly that he or she is a physical therapist assistant unless he or she is licensed as a physical therapist assistant in accordance with this act.

63-13-503.

(a) Physical therapists are responsible for the patient care given by physical therapist assistants, assistive personnel, and students on clinical affiliations under their supervision. The physical therapist may delegate to the physical therapist assistant, assistive personnel, and clinical students selected acts, tasks or procedures which fall within the scope of their education or training.

(b) Physical therapist assistants shall at all times be under the supervision of a licensed physical therapist as defined in section 63-13-103(14) and as further set forth in the rules.

(c) Physical therapy aides, other assistive personnel, and clinical students shall at all times perform patient care activities under the on-site supervision of a licensed physical therapist or physical therapist assistant as defined in section 63-13-103(15) and as further set forth in the rules.

(d) Physical therapist students and physical therapist assistant students shall at all times be under the supervision of a physical therapist as further set forth in the rules.

63-13-504.

The following conduct, acts or conditions constitute grounds for disciplinary action:

(1) Practicing physical therapy in violation of the provisions of this chapter or any rule or written order adopted by the board.

(2) Practicing or offering to practice beyond the scope of physical therapy practice as defined in this chapter.

(3) Obtaining or attempting to obtain a license by fraud or misrepresentation.

(4) Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.

(5) Engaging in the performance of substandard care by a physical therapist assistant, which includes exceeding the authority to perform tasks selected and delegated by the supervising physical therapist regardless of whether actual injury to the patient is established.

(6) Inadequately supervising assistive personnel in accordance with the chapter and rules adopted by the board.

(7) Having been convicted of a felony in the courts of this state or any other state, territory or country. Conviction, as used in the paragraph, shall include a finding or verdict of guilt, or a plea of nolo contendere.

(8) Practicing as a physical therapist or working as physical therapist assistant when physical or mental abilities are impaired by the use of controlled substances, other habit forming drugs, chemicals or alcohol.

(9) Having had a license or certificate revoked or suspended, other disciplinary action taken, or an application for licensure refused, revoked or suspended by the proper authorities of another state, territory or country.

(10) Engaging in sexual misconduct. Sexual misconduct, for the purpose of this section, includes the following:

(A) Engaging in or soliciting sexual relationships, whether consensual or non-consensual, while a physical therapist or physical therapist assistant/patient relationship exists.

(B) Making sexual advances, requesting sexual favors, and engaging in other verbal conduct or physical contact of a sexual nature with patients, clients or co-workers.

(C) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.

(11) Directly or indirectly requesting, receiving, or participating in the dividing, transferring, assigning, rebating or refunding of an unearned fee, or profiting by means of a credit or other valuable consideration such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services. Nothing in this item prohibits the members of any regularly and properly organized business entity recognized by law and comprised of physical therapists from dividing fees received for professional services among themselves as they determine necessary to defray their joint operating expense.

(12) Failing to adhere to the recognized standards of ethics of the physical therapy profession.

(13) Charging unreasonable or fraudulent fees for services performed or not performed.

(14) Making misleading, deceptive, untrue or fraudulent representations in violation of this act, or otherwise, in practice of the profession.

(15) Having been judged mentally incompetent by a court of competent jurisdiction.

(16) Aiding or abetting a person not licensed in this state who directly or indirectly performs activities requiring a license.

(17) Failing to report to the board any act or omission of a licensee, applicant, or any other person, which violates the provisions of this chapter.

(18) Interfering with, or refusing to cooperate in, an investigation or disciplinary proceeding by willful misrepresentation of facts or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

(19) Failing to maintain patient confidentiality without prior written consent or unless otherwise required by law.

(20) Failing to maintain adequate patient records that contain a minimum of an evaluation of objective findings, a physical therapy diagnosis, the plan of care including desired outcomes, the treatment record, a discharge plan including results of intervention, and sufficient information to identify the patient.

(21) Promoting unnecessary devices, treatment intervention or service for the financial gain of the practitioner or of a third party.

(22) Providing treatment intervention unwarranted by the condition of the patient, nor shall they continue treatment beyond the point of reasonable benefit.

63-13-505.

The board is authorized to institute any legal proceedings necessary to effect compliance with this chapter, including:

(1) Receiving complaints filed against licensees and conducting a timely investigation.

(2) Conducting an investigation at any time and on its own initiative without receipt of a written complaint if the board has reason to believe that there may be a violation of this chapter.

(3) Issuing a letter of concern if the board finds that the information received in a complaint and investigation is not of sufficient seriousness to merit direct action against the licensee holder.

(4) Issuing subpoenas and compelling attendance of any witness or the production of any documentation relative to a case.

(5) Taking emergency action ordering summary suspension of a license, or restriction of a physical therapist's practice or a physical therapist assistant's employment pending proceedings by the disciplinary authority.

(6) Appointing hearing officers authorized to conduct hearings. Hearing officers shall prepare and submit to the board findings of fact, conclusions of law, and an order which shall be reviewed and voted upon by the board.

(7) Requiring the licensee to be examined to determine the licensee's mental or physical competence when the board has probable cause to believe the licensee is suffering from an impairment that might impede his or her ability to practice competently.

63-13-506.

The board may, upon proof that any grounds enumerated herein have been violated, take the following disciplinary actions singly or in combination:

(1) Issue a letter of censure or reprimand;

(2) Impose restrictions and/or conditions as to the scope of practice, place of practice, supervision of practice, duration of licensed status, or type or condition of patient or client served. This includes requiring a licensee to report regularly to the board on matters related to the grounds for the restricted license;

(3) Suspend a license, the duration of which shall be determined by the Board;

(4) Revoke a license;

(5) Refuse to issue or renew a license;

(6) Impose fines for violation of this chapter. In addition the board may, in its discretion, assess and collect the reasonable costs incurred in a disciplinary hearing, when action is taken against a person's license; or

(7) Have authority to accept a voluntary surrendering of a license.

63-13-507.

Actions of the board shall be taken subject to the right of notice, hearing and adjudication and the right of appeal therefrom in accordance with Tennessee law relating to administrative law and procedure.

63-13-508.

(a) A person commits a Class B misdemeanor if the person engages in an activity requiring a license issue according to this chapter and who fails to obtain the required license, who violates any other provision of this chapter or who uses any word, title, or representation implying that the person is licensed to engage in the practice of physical therapy. A person represents himself or herself to be a physical therapist when using a title, letters, or any description or services which incorporates one or more of the terms, designations or abbreviations specifically restricted under Sections 63-13-103 and 63-13-502.

(b) The board may investigate any person to the extent necessary to determine if the person is engaged in the unlawful practice of physical therapy. If an investigation indicates that a person may be practicing physical therapy unlawfully the board shall inform the person of the alleged violation. The board may refer the matter for prosecution to the appropriate district attorney general whether or not the person ceases the unlawful practice of physical therapy.

(c) The board may, through the department of health's general counsel, petition any circuit or chancery court having jurisdiction over any person within this state who is practicing physical therapy without a license or in violation of a restriction or condition placed upon a license, regardless of whether such practice resulted from a license being restricted, conditioned, denied, or because a license has been suspended or revoked by action of the board, or any other reason, to enjoin such person from conducting or continuing to conduct the unlawful practice of physical therapy within this state from committing any act in violation of this chapter. Such injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies of this chapter.

(d) Any person aiding, abetting or requiring another person, licensed or unlicensed, to directly or indirectly violate or evade this chapter or the applicable rules, or combining or conspiring with another person, or permitting one's license to be used by another person, or acting as agent, partner, associate, or otherwise, of another person with the intent to violate or evade this chapter or the applicable rules may be fined up to five hundred dollars (\$500) per violation for each offenses, in addition to being subject to all disciplinary provisions under this chapter.

63-13-509.

(a) Any person, including but not limited to licensees, corporations, insurance companies, health care organizations, health care facilities, and state, federal or local governmental agencies, shall report to the board any conviction, determination or finding that a licensee has committed an act which constitutes a violation of Section 63-13-504.

(b) A person is immune from civil liability, whether direct or derivative, for providing information in good faith to the board pursuant to subsection (a) above.

63-13-510.

In lieu of a disciplinary proceeding as set forth in this chapter, the board may permit a licensee pursuant to this act to actively participate in a board approved substance abuse recovery program under the following conditions:

(1) The board has evidence that the licensee is impaired.

(2) The licensee has not been convicted of a felony relating to a controlled substance in a court of law of the United States or any other territory or country.

(3) The licensee enters into a written agreement with the board for a restricted license and complies with all the terms of the agreement, including making satisfactory progress in the program and adhering to any limitations on the licensee's practice imposed by the board to protect the public. Failure to enter into such an agreement shall activate an immediate investigation and disciplinary proceeding by the board.

(4) As part of the agreement established between the licensee and the board, the licensee shall sign a waiver allowing the substance abuse program to release information to the board if the licensee does not comply with the requirements of this section or is unable to practice with reasonable skill or safety.

63-13-511.

(a) The public shall have access to the following information:

(1) Listing of physical therapists licensed in the state including place of practice, license number, date of expiration and status of license.

(2) Listing of physical therapist assistants licensed in the state including place of employment, license number, and date of license expiration.

(3) Listing of official actions taken by the board.

(b) Physical therapists shall inform the patient as to the delivery of services and of any financial arrangements connected to the referral process and shall comply with the APTA Code of Ethics and the Guide for Professional Conduct.

(c) Physical therapists shall disclose in writing any financial interest in products they endorse and recommend to their patients.

(d) The licensee has the responsibility to ensure that the patient has knowledge of freedom of choice in services and products.

(e) Information relating to the physical therapist-patient relationship is confidential and may not be communicated to a third party not involved in that patient's care without the prior written consent of the patient. The physical therapist-patient confidentiality does not extend to cases in which the physical therapist has a duty to report information as required by law.

(f) Any person may submit a complaint regarding any licensee or any other person potentially in violation of this chapter. Confidentiality shall be maintained subject to law.

(g) The board shall keep all information relating to the receiving and investigation of complaints filed against licensees confidential until the information becomes public record as required by law.

(h) Each licensee shall display a copy of his or her license or current renewal verification in a location accessible to public view at his or her place of practice.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Health and Human Resources Committee Amendment No. 1 as House Amendment No. 2 was adopted.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. McDaniel moved that **House Bill No. 1645**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1104 -- Consumer Protection - Enacts "Tennessee Identity Theft Deterrence Act of 1999." Amends TCA Title 47, Chapter 18. by *Boyer, *Ford S, *Sharp, *Hagood. (*SB1588 by *Fowler, *Atchley, *Burchett, *Cohen, *Graves, *Leatherwood, *McNally, *Burks, *Kurita, *Miller J)

Rep. Boyer requested that House Bill No. 1104 be moved down 10 places on the Calendar.

***House Bill No. 866** -- Hospitals and Health Care Facilities - Excludes screening programs in conjunction with certain conferences from regulation of medical laboratories and laboratory personnel. Amends TCA Section 68-29-104. by *Boyer, *McDaniel, *Kisber, *Hargrove. (SB1526 by *Ramsey)

Rep. Boyer moved that House Bill No. 866 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 866 In the amendatory language of Section 1 by deleting the language "otherwise authorized by law" wherever it appears and in each instance by substituting instead the language "designated in Section 3-6-114(b)(8)(B)".

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 866 In the amendatory language of Section 1 by deleting the language "licensed physician" and by substituting the language "physician licensed pursuant to Title 63, Chapter 6 or 9,".

On motion, Health and Human Resources Committee Amendment No. 2 was adopted.

Rep. Boyer moved that **House Bill No. 866**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 1095 -- Motor Vehicle Commission - Removes biennial license expiration dates for motor vehicle dealers; changes from ten to 30 number of days that dealers have to report changes in address, ownership, employment, trade name or line-make; requires new dealer license if dealership moves location in whole or in part; removes statutory dealer license fee amounts and leaves fee amount to be set by motor vehicle commission. Amends TCA Title 55, Chapter 17. by *Phelan. (*SB924 by *Clabough)

On motion, House Bill No. 1095 was made to conform with **Senate Bill No. 924**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that **Senate Bill No. 924** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1423 -- Business and Commerce - Prohibits suppliers of farm machinery, construction, utility, industrial and other heavy equipment from terminating retail agreements with retailers without good cause; requires suppliers to repurchase franchise inventory when franchise terminated. Amends TCA Title 47, Chapter 25, Part 13. by *Phelan. (*SB1026 by *Burks)

On motion, House Bill No. 1423 was made to conform with **Senate Bill No. 1026**; the Senate Bill was substituted for the House Bill.

Rep. Phelan moved that Senate Bill No. 1026 be passed on third and final consideration.

Rep. Phelan moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1026 By deleting the language "Part 13" in the original Section 15 and by substituting instead the language "Part 15".

On motion, Amendment No. 1 was adopted.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Rep. Phelan moved that **Senate Bill No. 1026**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. L. DeBerry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 224 out of order, which motion prevailed.

House Joint Resolution No. 224 -- Memorials, Personal Occasion - Augusta Blue Harris, 80th birthday. by *DeBerry L.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. L. DeBerry, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR, CONTINUED

***House Bill No. 688** -- Workers' Compensation - Authorizes injured worker in workers' compensation case to receive psychological services. Amends TCA Title 50, Chapter 6. by *Jones, S.. (SB1368 by *Person)

Rep. S. Jones moved that House Bill No. 688 be passed on third and final consideration.

Rep. West moved adoption of Consumer and Employees Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 688 By deleting all of the language after the enacting clause and by substituting instead the following:

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

SECTION 1. The general assembly hereby finds and declares that the purposes of this act are to:

Promote the evaluation and adjudication of workers' compensation claims; and

Recognize the valuable and necessary services that can be provided by qualified licensed psychologists designated as health service providers to injured employees who are covered under the Workers' Compensation Law.

SECTION 2. Tennessee Code Annotated, Section 50-6-204(a)(1), is amended in the first sentence by inserting the words "or psychological services" after the words "such nursing services" and before the words "as ordered by the attending physician".

SECTION 3. Tennessee Code Annotated, Section 50-6-204(b)(1), is amended by deleting the words "surgical or" and inserting the words and punctuation "surgical, psychological or".

SECTION 4. Tennessee Code Annotated, Section 50-6-204(b)(1), is further amended by deleting the words "surgery and dental treatment" and inserting the words and punctuation "surgery, dental and psychological treatment".

SECTION 5. This act shall take effect July 1, 1999, the public welfare requiring it.

On motion, Consumer and Employees Affairs Committee Amendment No. 1 was adopted.

Rep. S. Jones moved that **House Bill No. 688**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes89
Noes7

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Bittle, McAfee, McCord, Montgomery, Sargent, Sharp, Wood -- 7.

A motion to reconsider was tabled.

House Bill No. 701 -- Credit, Consumer - Prohibits seller from collecting charges for credit life insurance under retail installment contract unless consumer specifically signs for credit life insurance for property purchased under such contract; creates remedy. Amends TCA Section 47-11-103; Section 47-11-104 and Title 47, Chapter 18, Part 15. by *Jones, S.. (*SB717 by *Haynes)

Rep. S. Jones moved that **House Bill No. 701** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 336** -- Auctions and Auctioneers - Makes changes to requirements for auctioneer licensing and continuing education; sets forth provisions relative to auction gallery licenses Amends TCA Title 62, Chapter 19, Part 1. by *Sands. (SB1825 by *Ramsey)

Rep. Sands requested that House Bill No. 336 be moved down 5 places on the Calendar.

***House Joint Resolution No. 2** -- Constitutional Amendments - Empowers general assembly to authorize state lottery for state purposes only and no other purpose; net proceeds to be allocated solely to scholarship fund established and implemented by general assembly for tuition costs for Tennessee residents at Tennessee post-secondary institutions. by *Newton, *Williams (Williamson), *Kernell.

Rep. Newton moved adoption of House Joint Resolution No. 2.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 2 By deleting in its entirety all the language following the caption and by substituting instead the following language:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that the period at the end of Article XI, Section 5, of the Constitution of Tennessee be changed to a comma and the following new language be added:

except that the legislature may authorize a state lottery if the net proceeds of the lottery's revenues are allocated to tuition grants, scholarships, or loans to citizens of this state to enable such citizens to attend public and private colleges and universities located within this state. The excess after such allocations from such net proceeds from the lottery shall be appropriated to:

- (1) capital outlay projects for K-12 educational facilities;
- and
- (2) early learning programs and after school programs.

Such appropriation of funds to support improvements and enhancements for educational programs and purposes and such net proceeds shall be used to supplement, not supplant, non-lottery educational resources for educational programs and purposes.

All other forms of lottery not authorized herein are expressly prohibited unless authorized by a two-thirds (2/3) vote of each of the senate and the house of representatives of the general assembly for an annual event operated for the benefit of a 501(c)(3) organization located within this state.

A state lottery means a lottery of the type such as is in operation in Georgia, Kentucky and Virginia in 1999. The authorization for a state lottery as provided herein does not authorize games of chance associated with casinos, including but not limited to slot machines, roulette wheels, and other similar types of games of chance so associated.

The state lottery authorized in this section shall be implemented and administered uniformly throughout the state in such manner as the legislature, by general law, deems appropriate.

BE IT FURTHER RESOLVED, That the foregoing be referred to the One Hundred Second General Assembly and that this resolution proposing such amendment be published by the Secretary of State in accordance with Article XI, Section 3 of the Constitution of Tennessee.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Rep. Kerr moved that House Joint Resolution No. 2 be re-referred to the Budget Subcommittee of the House Finance, Ways and Means Committee.

Rep. Newton moved that the motion to re-refer House Joint Resolution No. 2 be tabled, which motion prevailed by the following vote:

Ayes	67
Noes	30

Representatives voting aye were: Armstrong, Arriola, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Givens, Godsey, Hagood, Hargrove, Hassell, Head, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Phelan, Phillips, Pruitt, Rhinehart, Rinks, Robinson, Sands, Sargent, Stulce, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, West, White, Whitson, Williams, Mr. Speaker Naifeh -- 67.

Representatives voting no were: Baird, Beavers, Bittle, Bunch, Davis (Washington), DeBerry J., Dunn, Fowlkes, Fraley, Goins, Gunnels, Hargett, Harwell, Jackson, Kerr, Maddox, Mumpower, Patton, Pinion, Pleasant, Ridgeway, Roach, Scroggs, Sharp, Tidwell, Walley, Westmoreland, Windle, Winningham, Wood -- 30.

Rep. Williams moved the previous question on Amendment No. 1, which motion prevailed.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Bunch requested that Amendment No. 2 be moved to the heel of the Amendments.

Rep. U. Jones moved the previous question on House Joint Resolution No. 2 as amended, which motion prevailed.

Rep. Newton requested that the Clerk read House Joint Resolution No. 2 for the first Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 2, as amended.

Rep. Newton moved that House Joint Resolution No. 2 be reset for the Regular Calendar on May 6, 1999, for second reading, which motion prevailed.

***House Bill No. 7** -- Constitutional Conventions - Proposes amendment to Article XI, Section 5, relative to lotteries, by *Newton, *Kernell, *Givens, *Williams (Williamson). (SB808 by *Crutchfield, *Cohen, *Dixon)

Rep. Newton moved that House Bill No. 7 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 7 By adding the language "the prohibition of lotteries and the sale of lottery tickets" in the amendatory language of Section 1 after the language "Article XI, Section 5. relative to".

AND FURTHER AMEND by deleting the language "twenty-one (21) years of age" from Section 4, and by substituting instead the language "eighteen (18) years of age or older".

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Newton moved that **House Bill No. 7**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	56
Noes	41

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDonald, McMillan, Miller, Montgomery, Newton, Odom, Phelan, Pleasant, Pruitt, Rinks, Robinson, Sands, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, West, White, Williams, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Bunch, Buttry, Davis (Washington), Dunn, Ford, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Jackson, Kerr, Maddox, McCord, McDaniel, McKee, Mumpower, Patton, Phillips, Pinion, Rhinehart, Ridgeway, Roach, Sargent, Scroggs, Sharp, Todd, Turner (Shelby), Walley, Westmoreland, Whitson, Windle, Winningham, Wood -- 41.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from yes to no on House Bill No. 7 and have this statement entered in the Journal: Rep(s). Montgomery.

REGULAR CALENDAR, CONTINUED

House Bill No. 1568 -- Education - Provides for recitation of pledge of allegiance at beginning of each school day. Amends TCA Title 49, Chapter 6, Part 10. by *Curtiss. (*SB1661 by *Burchett)

Rep. Curtiss moved that House Bill No. 1568 be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1568 by deleting Section 1 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 49-6-1001, is amended by deleting the period at the end of the section and adding the following:

, and the history and usage of the pledge of allegiance to the flag of the United States of America.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Maddox moved the previous question, which motion prevailed.

Rep. Curtiss moved that **House Bill No. 1568**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eccles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

House Bill No. 614 – Sexual Offenses - Expands crime of indecent exposure to include any person who knowingly invites or lures minor child of another into such person's residence for purpose of attaining sexual arousal or gratification through intentional exposure of genitals or buttocks to such minor child. Amends TCA Section 39-13-511. Repeals Section 4 of Chapter No. 542 of the Public Acts of 1994. by *Kerr, *Bowers, *Godsey. (*SB420 by *Fowler, *Crowe)

On motion, House Bill No. 614 was made to conform with **Senate Bill No. 420**; the Senate Bill was substituted for the House Bill.

Rep. Kerr moved that Senate Bill No. 420 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 420 By deleting subsection (1)(B) of the amendatory language of SECTION 1 and substituting instead the following:

(B) Knowingly invites, entices or fraudulently induces the child of another into such person's residence for the purpose of attaining sexual arousal or gratification by intentionally engaging in the following conduct in the presence of such child:

- (i) Exposure of such person's genitals, female breasts or buttocks;
- or
- (ii) Masturbation.

For the provisions of this subpart (B) to apply, the defendant must be eighteen (18) years or age or older and the child victim must be less than thirteen (13) years of age.

On motion, Judiciary Committee Amendment No. 1 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 420 By deleting SECTION 2 of the printed bill in its entirety and renumbering subsequent sections accordingly.

On motion, Judiciary Committee Amendment No. 3 was adopted.

Rep. Buck moved that **Senate Bill No. 420**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

WEDNESDAY, MAY 5, 1999 -- TWENTY-SIXTH LEGISLATIVE DAY

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1104 -- Consumer Protection - Enacts "Tennessee Identity Theft Deterrence Act of 1999." Amends TCA Title 47, Chapter 18. by *Boyer, *Ford S, *Sharp, *Hagood. (*SB1588 by *Fowler, *Atchley, *Burchett, *Cohen, *Graves, *Leatherwood, *McNally, *Burks, *Kurita, *Miller J)

Further consideration of House Bill No. 1104 previously considered on today's Calendar.

On motion, House Bill No. 1104 was made to conform with **Senate Bill No.1588**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 1588 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1588 by inserting the word "unlawful" between the words "for" and "economic" in Section 3(e)(1) of the printed bill and by inserting a period (.) after the word "person" and by deleting the rest of the sentence.

AND FURTHER AMEND by inserting the word "unlawful" between the words "for" and "economic" in Section 3(e)(2) of the printed bill and by inserting a period (.) after the word "person" and by deleting the rest of the sentence.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1588 by deleting Section 7 and by renumbering subsequent sections accordingly.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

On motion, Judiciary Committee Amendment No. 2 was adopted.

Rep. McDonald moved the previous question, which motion prevailed.

Rep. Boyer moved that **Senate Bill No. 1588**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 336** -- Auctions and Auctioneers - Makes changes to requirements for auctioneer licensing and continuing education; sets forth provisions relative to auction gallery licenses. Amends TCA Title 62, Chapter 19, Part 1. by *Sands. (SB1825 by *Ramsey)

Further consideration of House Bill No. 336 previously considered on today's Calendar.

On motion, House Bill No. 336 was made to conform with **Senate Bill No.1825**; the Senate Bill was substituted for the House Bill.

Rep. Sands moved that Senate Bill No. 1825 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1825 by inserting the following between the words "firm" and "must" in the amendatory language of the second new subdivision of Section 4 of the printed bill, as amended:

, except an auto auction as defined at Tennessee Code Annotated, Section 55-17-102(2),

AND FURTHER AMEND by deleting the second sentence of Section 8 of the printed bill, as amended, in its entirety.

AND FURTHER AMEND by deleting the punctuation "." at the end of the second new subdivision of Section 5 of the printed bill, as amended, and adding the following:

or by his attorney.

AND FURTHER AMEND by adding the following as new section of the printed bill, as amended:

SECTION ____ . The provisions of this act shall not apply to any court sale.

AND FURTHER AMEND by deleting the word "individual" in the first line of subsection (a) of new Section 62-19-1__ of Section 10 of the printed bill, as amended, and by substituting instead the word "person".

AND FURTHER AMEND by deleting subsection (c) of Section 10 of the printed bill, as amended, in its entirety and by substituting instead the following:

The person who desires to obtain a gallery license shall submit an application to the commission on the prescribed form. A person who desires to obtain a gallery license for a firm shall request issuance of the license in the name of the firm with a specific person acting as principal. The application shall demonstrate satisfactory proof that such person has:

- (1) reached the age of eighteen (18) years;
- (2) successfully completed at least thirty (30) hours of classroom education approved by the commission; and
- (3) provided other information as the commission may require to demonstrate honesty, trustworthiness, integrity, reputation, and competency.

AND FURTHER by inserting the following between the words "firm" and "must"

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1825 by deleting the last line of House Commerce Amendment 1 as follows:

AND FURTHER by inserting the following between the words "firm" and "must"

On motion, Commerce Committee Amendment No. 2 was adopted.

Rep. Sands moved that **Senate Bill No. 1825**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 598** -- Judges and Chancellors - Provides that judge appointed by supreme court can only hear case if both parties consent in writing if such judge was voted off the bench in election. Amends TCA Title 16, Chapter 3, Part 5. by *Bunch, *Newton, *Hargett, *Pleasant. (SB729 by *Miller J)

Rep. Bunch moved that House Bill No. 598 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 598 by adding in the amendatory language of SECTION 1 of the printed bill the language "or chancellor" after the word "judge" wherever it appears.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Bunch moved that **House Bill No. 598**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes94
 Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1122** -- Public Health and Health Care - Directs that notice be given to health care provider's licensing board or boards, instead of to board of medical examiners, if provider fails to provide patient with medical records. Amends TCA Title 63, Chapter 2. by *Patton, *McDaniel. (SB1606 by *Person, *McNally)

Rep. Patton moved that **House Bill No. 1122** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 1747 -- Education, Higher - Provides for confirmation by general assembly of members of UT board of trustees, board of regents and Tennessee higher education commission. Amends TCA Title 49, Chapter 7; Title 49, Chapter 8 and Title 49, Chapter 9. by *Stulce, *Towns, *Cooper B, *Windle, *Jones U (Shelby), *Ridgeway, *Maddox, *Tindell, *Pinion, *Eckles, *Davidson, *Hargrove, *Jones, S., *Fraley, *Williams (Williamson), *Fowlkes, *Ferguson, *Arriola. (*SB1309 by *Rochelle)

Rep. Stulce moved that House Bill No. 1747 be passed on third and final consideration.

Rep. McDonald moved the previous question, which motion prevailed.

Rep. Stulce moved that **House Bill No. 1747** be passed on third and final consideration, which motion prevailed by the following vote:

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Ayes55
Noes40
Present and not voting1

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Givens, Hargrove, Head, Jackson, Jones S., Jones U., Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Odom, Phelan, Phillips, Pinion, Pruitt, Ridgeway, Rinks, Robinson, Sands, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 55.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Bunch, Buttry, Cole (Carter), Davis (Cocke), Davis (Washington), Dunn, Ford, Godsey, Goins, Gunnels, Hagood, Hargett, Harwell, Hassell, Kent, Kerr, McAfee, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Pleasant, Rhinehart, Roach, Sargent, Scroggs, Sharp, Todd, Walker, Walley, Westmoreland, Whitson, Wood -- 40.

Representatives present and not voting were: Patton -- 1.

A motion to reconsider was tabled.

House Bill No. 1111 -- Textbooks - Modifies textbook adoption process - TCA Sections 49-3-310, 49-6-2203, 49-6-2204, and 49-6-2207. by *Montgomery, *Ford S. (*SB1595 by *Elsa, *Atchley, *Burks, *Crowe)

Rep. Montgomery moved that House Bill No. 1111 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1111 by deleting the number and punctuation ", 5" in Section 1 of the printed bill.

AND FURTHER AMEND by adding a new section to be appropriately designated, as follows:

SECTION _____. Tennessee Code Annotated, Section 49-3-310, is amended by deleting subdivision (5) in its entirety and by substituting the following:

(5) For the purpose of this part or Title 49, Chapter 6, Part 22, "textbooks" mean any medium or manual of instruction which contains a systematic presentation of the principles of a subject and which constitutes a major instructional vehicle for that subject.

On motion, Education Committee Amendment No. 1 was adopted.

WEDNESDAY, MAY 5, 1999 -- TWENTY-SIXTH LEGISLATIVE DAY

Rep. Montgomery moved that House Bill No. 1111 be reset for the Regular Calendar on May 12, 1999, which motion prevailed.

House Bill No. 1811 -- Education, Higher - Requires institution of higher education having probable cause to believe that student committing or has committed certain offenses to report such to appropriate law enforcement officer. Amends TCA Title 49. by *Brooks. (*SB1578 by *Dixon)

Rep. Brooks moved that **House Bill No. 1811** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Gunnels, McCord -- 2.

Representatives present and not voting were: Turner (Hamilton) -- 1.

A motion to reconsider was tabled.

House Bill No. 955 -- Urban Renewal - Allows certain real property acquired by municipality or county, because of taxes unpaid thereon, to be conveyed to private developers for redevelopment under certain circumstances. Amends TCA Section 67-5-2509. by *Brooks, *Cooper B., *Jones, S., *DeBerry L., *Bowers, *Miller L. (*SB678 by *Dixon)

Rep. Brooks moved that House Bill No. 955 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 955 By deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 67-5-2509(d), is amended by adding the following language as a new, appropriately designated subdivision:

() In any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, in lieu of the sale to private purchasers as provided in subsection (b), the proper officers of the municipality or county may convey property purchased at a tax sale as provided in subsection (a) to the agency or commission of such municipality or county for redevelopment of properties certified under the provisions of Tennessee Code Annotated, Title 13, Chapter 21, Part 2, for those uses authorized by §13-21-202(4), as amended by Chapter 948 of the Public Acts of 1998, commonly referred to as the Community Redevelopment Act of 1998.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Brooks moved that **House Bill No. 955**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	3
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winghamam, Wood, Mr. Speaker Naifeh -- 86.

Representatives voting no were: Baird, Gunnels, Turner (Hamilton) -- 3.

Representatives present and not voting were: Sands -- 1.

A motion to reconsider was tabled.

House Bill No. 1405 -- Motor Vehicles, Titling and Registration - Clarifies certain issuance requirements and revenue distribution formulas for cultural, specialty earmarked and new specialty earmarked license plates; sets requirements for issuance of future plates established by statute. Amends TCA Title 55, Chapter 4. by *Fowlkes, *White, *Cooper B. (*SB1349 by *Cohen)

Further consideration of House Bill No. 1405 previously considered on May 3, 1999, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Fowlkes moved that House Bill No. 1405 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1405 by deleting Section 3 in its entirety and renumbering the subsequent section accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 1405**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Eckles -- 1.

A motion to reconsider was tabled.

WEDNESDAY, MAY 5, 1999 -- TWENTY-SIXTH LEGISLATIVE DAY

***House Bill No. 1478** -- Election Laws - Authorizes county election commission to transfer registration when voter moves outside precinct in which such voter is registered when certain conditions are met Amends TCA Title 2, Chapter 2 and Title 2, Chapter 7. by *Jones, S.. (SB1857 by *Haynes)

Further consideration of House Bill No. 1478 previously considered on May 3, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. S. Jones moved that House Bill No. 1478 be reset for the Regular Calendar on May 10, 1999, which motion prevailed.

House Bill No. 1113 -- Unemployment Compensation - Establishes that discharge resulting from positive drug or alcohol test resulting in certain BAC level or refusal to take a drug or alcohol test is discharge for misconduct connected to work and disqualifies individual from unemployment benefits. Amends TCA Sections 50-7-302(a)(9) and 50-7-303(a)(2). by *Scroggs. (*SB1597 by *Ramsey, *Elsea)

Further consideration of House Bill No. 1113 previously considered on May 3, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

On motion, House Bill No. 1113 was made to conform with **Senate Bill No. 1597**; the Senate Bill was substituted for the House Bill.

Rep. Scroggs moved that Senate Bill No. 1597 be passed on third and final consideration.

Rep. Chumney moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1597 by adding the following to the end of Section 2 of the bill after the words "with work" and before the punctuation";":

where it is based upon substantial and material evidence of the employee's refusal. As regards an injured employee, refusal shall not be presumed from failure to take such test during a period of approved medical leave.

On motion, Amendment No. 1 was adopted.

Rep. Scroggs moved that **Senate Bill No. 1597**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1650** -- Landlord and Tenant - Authorizes landlords to tow or otherwise remove certain vehicles from real property rented or leased for residential purposes for certain traffic, parking and nuisance violations; deletes present law on subject Amends TCA Title 55, Chapter 16 and Title 66, Chapter 28. by *Williams (Williamson). (SB1851 by *Ramsey)

Further consideration of House Bill No. 1650 previously considered on May 3, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

Rep. Williams moved that House Bill No. 1650 be reset for the Regular Calendar on May 10, 1999, which motion prevailed.

House Bill No. 1258 -- Banks and Financial Institutions - Revises certain procedures concerning remedies for nonpayment of rent on safe deposit boxes. Amends TCA Section 45-2-907. by *White, *Fitzhugh. (*SB1079 by *Womack)

Further consideration of House Bill No. 1258 previously considered on May 3, 1999, at which time it was objected to on the Consent Calendar and reset for today's Calendar.

On motion, House Bill No. 1258 was made to conform with **Senate Bill No.1079**; the Senate Bill was substituted for the House Bill.

Rep. White moved that Senate Bill No. 1079 be passed on third and final consideration.

Rep. White moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1079 by inserting the following language as a new Section 2 immediately following Section 1 of the bill as amended by Senate Amendment # 2 and by redesignating subsequent subsections accordingly:

SECTION 2. For purpose of transitioning from the law in effect prior to passage of this act to the process specified in SECTION 1, the following provisions shall apply:

(a) the contents of all safe deposit boxes opened pursuant to the provisions of Tennessee Code Annotated, Section 45-2-907 on and after the effective date of this act shall be subject to the provisions of this act; and

(b) the contents of all safe deposit boxes opened pursuant to the provisions of Tennessee Code Annotated, Section 45-2-907 prior to the effective date of this act shall be subject to the notice provisions of prior law; provided, however, the financial institution may elect to apply the provisions of SECTION 1 (c) through (g) of this act to the sale and disposal of such property.

On motion, Amendment No. 1 was adopted.

Rep. White moved that **Senate Bill No. 1079**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 1953 -- Caryville - Subject to local approval, revises hotel motel tax. Amends Chapter 39 of the Private Acts of 1981. by *Baird. (SB1947 by *McNally)

Rep. Baird moved that House Bill No. 1953 be reset for the Regular Calendar on May 10, 1999, which motion prevailed.

***House Bill No. 645** -- Boards and Commissions - Requires boards and commissions attached to division of health related boards and to division of regulatory boards to suspend or revoke license of any person under their jurisdiction who has defaulted on state or federal student loan. Amends TCA Title 56, Title 62 and Title 63. by *Patton, *Caldwell, *Mumpower, *Davis (Washington), *Ford S, *Tidwell, *Maddox, *Montgomery, *Pleasant, *Beavers, *Black, *Dunn, *Hargett, *Newton, *Hood, *Todd, *Baird. (SB1216 by *Fowler)

Further consideration of House Bill No. 645 previously considered on today's Calendar.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Rep. Patton moved that House Bill No. 645 be reset for the Regular Calendar on May 12, 1999, which motion prevailed.

***House Bill No. 1919** -- Education - Requires certain students to disclose certain adjudications and convictions as requisite for enrollment or re-enrollment in LEA. Amends TCA Title 37 and Title 49. by *DeBerry L. (SB1888 by *Dixon)

Further consideration of House Bill No. 1919 previously considered on today's Calendar.

Rep. L. DeBerry moved that House Bill No. 1919 be reset for the Regular Calendar on May 12, 1999, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 195 -- Highway Signs - Names rest areas, weigh stations and welcome center on "Music Highway" (I-40 between Memphis and Nashville) in honor of various Tennessee musical artists and entities; provides for appropriate signage at such locations; urges department of tourist development to place at each such location graphic displays including information on area's musical heritage and specific artist or entity for which such location is named. by *Kisber, *McDaniel, *Naifeh, *Todd, *Robinson, *Caldwell, *Ferguson, *Whitson, *Winningham, *Pleasant, *Kernell, *Davis (Cocke), *Cooper B, *Fitzhugh, *Rinks, *Cole (Dyer), *Pinion, *Walley, *Kent, *Cole (Carter), *West, *Bone, *Patton, *Ford S, *Bittle, *Boyer, *Miller L, *Brooks, *Bowers, *DeBerry L, *Towns, *Stulce, *Walker (Rhea). (*SB57 by *Cohen, *Rochelle, *Kurita, *Springer, *Cooper, *Carter, *Ford J, *Dixon, *Crowe)

Further consideration of House Bill No. 195 previously considered on April 29, 1999 at which time it was reset for today's Message Calendar.

Senate Amendment No. 1

AMEND House Bill No. 195 by deleting the language after the enacting clause in its entirety and by substituting instead the following:

SECTION 1.

(a) Notwithstanding any other provision of law to the contrary, the rest areas, parking areas, weigh stations and welcome center located on the "Music Highway" (Interstate Highway 40 from the eastern boundary of Davidson County to the Mississippi River in Shelby County) are hereby designated as follows:

(1) eastbound rest area on I-40 in Dickson County -"Roy Acuff/Grand Ole Opry Rest Area";

(2) westbound rest area on I-40 in Dickson County - "Johnny Cash Rest Area";

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

(3) eastbound rest area on I-40 in Benton County - "Loretta Lynn Rest Area";

(4) westbound rest area on I-40 in Benton County - "Chet Atkins Rest Area";

(5) eastbound parking area on I-40 in Henderson County - "Eddy Arnold Parking Area";

(6) westbound parking area on I-40 in Henderson County - "Al Green Parking Area";

(7) eastbound rest area on I-40 in Madison County - "Carl Perkins Rest Area";

(8) westbound rest area on I-40 in Madison County - "Isaac Hayes Rest Area";

(9) eastbound weigh station on I-40 in Haywood County - "Booker T. and the MG's/Stax Records Weigh Station";

(10) westbound weigh station on I-40 in Haywood County - "Sam Phillips/Sun Studios Weigh Station"; and

(11) eastbound welcome center on I-40 in Shelby County at Riverside Drive - Elvis Presley/B.B. King Welcome Center".

(b) The Department of Transportation is directed to erect and maintain suitable signs on Interstate 40 at Exit 148 (State Route 50) in Hickman County, both eastbound and westbound, indicating that State Route 50 from its intersection with Interstate 40 eastward to its intersection with State Route 100 in Centerville is designated as "The Minnie Pearl Memorial Parkway".

SECTION 2.

(a) The department of transportation is directed to erect suitable signs or to affix suitable markers at the aforementioned locations designating such rest areas, parking areas, weigh stations and welcome center as provided in Section 1(a).

(b) Such signs shall bear a logo or design with musical connotations. Such logo or design could include, but should not necessarily be limited to, representations of musical notes or musical instruments.

(c) Such signs shall be designed by the Department of Transportation in cooperation with the Department of Tourist Development.

SECTION 3. The designations provided for in Section 1(a) shall also be included, as appropriate, on all highway signs erected and maintained at and for the respective rest areas, parking areas, weigh stations and welcome center designated by this act.

SECTION 4. The erection of all signs provided for in this act shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 5. This act shall become operative only if the federal highway administrator advises the commissioner of transportation in writing that the provisions of this act shall not render Tennessee in violation of federal laws and regulations and subject to penalties prescribed therein.

SECTION 6. The Department of Tourist Development is urged and encouraged, within existing resources, to place at each designated rest area, parking area or welcome center a graphic display which depicts, through words and pictures, the musical history and heritage of the area in which the rest area, parking area or welcome center is located. Such graphic display should include background and historical information on such area's musical history and heritage and specific information on the musical artist or entity for whom the rest area, parking area or welcome center is named.

SECTION 7. The Department of Transportation, Department of Tourist Development and all other state agencies that print Tennessee maps are directed to include the "Music Highway" designation and the designations of the rest areas, parking areas and welcome station named by this act at appropriate locations on official Tennessee highway maps and other Tennessee maps, when such inclusion is feasible.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

Senate Amendment No. 2

AMEND House Bill No. 195 by deleting from Section 6 of the bill, as amended, the language "The Department of Tourist Development is urged and encouraged" in the first sentence thereof and by substituting instead the language "The Department of Tourist Development and the Department of Transportation are urged and encouraged".

Senate Amendment No. 3

AMEND House Bill No. 195 by deleting subdivision (a)(8) in Section 1 of the bill, as amended, and by substituting instead the following:

(8) westbound rest area on I-40 in Madison County - "Isaac Hayes/Tina Turner Rest Area";

Senate Amendment No. 4

AMEND House Bill No. 195 by deleting subdivision (a)(4) in Section 1 of the bill, as amended, and by substituting instead the following:

(4) westbound rest area on I-40 in Benton County - "Patsy Cline/Chet Atkins Rest Area";

Senate Amendment No. 5

AMEND House Bill No. 195 by adding the following new section immediately preceding the last section of the bill, as amended, and by renumbering the subsequent section accordingly:

SECTION _____. The Department of Transportation is directed to erect and maintain suitable signs adjacent to a suitable walkway at the rest area designated by Section 1, subdivision (a)(8) designating such walkway as the "Rufus Thomas *Walking the Dog Trail*".

Rep. Kisber moved that the House nonconcur in Senate Amendment(s) No(s). 1, 2, 3, 4 and 5 to **House Bill No. 195**, which motion prevailed.

MOTION TO RECONSIDER

Rep. McMillan moved to lift from the table the motion to reconsider action in passing Senate Bill No. 260, which motion prevailed.

***Senate Bill No. 260** -- Arrests - Authorizes law enforcement officer having probable cause to believe that person has been notified of and violated condition of release on bail in domestic violence case to arrest such person without warrant; punishes such violation by revocation of bail and contempt of court. Amends TCA Title 40, Chapter 11 and Title 40, Chapter 7. by *Burks, *McNally, *Williams, *Person, *Miller J, *Haynes, *Kurita. (HB1136 by *McMillan, *Odom, *Turner (Hamilton))

Rep. McMillan moved to reconsider action in passing Senate Bill No. 260, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1 and 3. On motion, Amendment(s) No(s). 1 and 3 were withdrawn.

Rep. McMillan moved that **Senate Bill No. 260** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Curtiss, Davidson, Davis (Cooke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 659 -- Domestic Violence - Provides that person arrested for domestic violence not be released from custody on bail within 12 hours of such arrest unless official authorized to release such person makes certain written findings which will be attached to the warrant; provides law enforcement agency having custody of defendant give victim of domestic violence address and telephone number of nearest source of assistance. Amends TCA Title 40, Chapter 11, Part 1. by *Ferguson, *Bowers, *Jones, S., *Newton, *Lewis, *Turner (Hamilton), *Rinks, *Eckles, *DeBerry L., *Gunnels, *McKee, *Tindell, *Harwell, *Caldwell, *Towns, *Hassell, *Scroggs, *Arriola, *Cooper B., *Buck, *Bittle, *Ridgeway, *Fraley, *Stulce, *Winningham, *Hargett, *Baird, *Fitzhugh, *Bone, *West, *Hagood, *Montgomery, *Buttry, *Walker (Rhea), *Langster. (*SB611 by *Davis L)

Senate Amendment No. 6

AMEND House Bill No. 659 by deleting the amendatory language of Section 1 of the printed bill in its entirety and by substituting instead the following:

Any offender arrested for any criminal offense defined in Title 39, Chapter 13, in which the alleged victim is a family or household member shall not be released within twelve (12) hours of such arrest if the magistrate or other official duly authorized to release such offender finds that such offender is a threat to the alleged victim. Such official may, however, release the accused in less than twelve (12) hours if the official determines that sufficient time has or will have elapsed for the victim to be protected.

Such written findings must be attached to the warrant and shall be preserved as a permanent part of the record.

Senate Amendment No. 1

AMEND House Bill No. 659 by adding at the end of the amendatory language in Section 1 of the printed bill the following sentence: The arresting officer shall make official note of the time of the arrest in order to establish the beginning of the twelve-hour period provided for in this subsection.

Rep. Ferguson moved that the House concur in Senate Amendment(s) No(s). 6 and 1 to **House Bill No. 659**, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

MOTION TO RECONSIDER

Rep. Kisber moved to lift from the table the motion to reconsider action in passing Senate Bill No. 1455, which motion prevailed.

***Senate Bill No. 1455** -- Taxes, Real Property - Requires newly incorporated municipalities to impose property tax based on estimate by department of revenue of amount needed to replace state-shared taxes, and municipality must provide for administration of such tax prior to receiving state-shared taxes. - Amends TCA Section 6-58-112. by *Henry. (HB1529 by *Kisber, *Ferguson, *McDonald)

Rep. Kisber moved to reconsider action in passing Senate Bill No. 1455, which motion prevailed.

Rep. McDonald moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1455 by adding the following Section after Section 1 of the printed bill and renumbering the remaining section accordingly:

SECTION 2. Tennessee Code Annotated, Section 6-58-112, is further amended by adding the following sentence at the end of subsection (c):

For purposes of levying a property tax, the incorporation of a municipality shall be effective on January 1 following the election at which the incorporation is approved.

On motion, Amendment No. 1 was adopted.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Rep. Kisber moved that **Senate Bill No. 1455**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Hargrove moved to suspend the rules to allow the House Government Operations Committee to meet immediately after session to consider House Bill(s) No(s). 861, 938, 1683 and 1829, which motion prevailed.

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 5, 1999**, reported the following:

GOVERNMENT OPERATIONS

The Government Operations Committee recommended that: House Bill(s) No(s). 938 be transmitted to the Conservation and Environment Committee, also House Bill(s) No(s). 1829 be transmitted to the Judiciary Committee with amendments.

The Committee, after carefully reviewing the rulemaking portions of the following bill(s) pursuant to TCA 4-5-108, recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 861 and 1683.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1388: Rep(s). Langster, Garrett and Harwell as prime sponsor(s).

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

House Bill No. 1500: Rep(s). Stulce as first prime sponsor(s).

House Bill No. 1512: Rep(s). Kerr and Bone as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). McAfee was/were removed as first prime sponsor(s) of **House Bill No. 1500**.

**SIGNED
May 5, 1999**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 53, 211 and 230.

**ENGROSSED BILLS
May 5, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 214, 215, 217, 218, 219 and 224.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
May 5, 1999**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 186; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE
May 5, 1999**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 210.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 2.

The Speaker appointed a Conference Committee composed of Senators Crowe, Davis and Williams to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 210.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

May 5, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 172, 173, 188, 189, 190, 194, 195 and 196; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 5, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 7, 443, 688, 701, 866 and 1568.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 5, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 1747.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 5, 1999

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 224; concurred in by the Senate.

MESSAGE FROM THE SENATE

May 5, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 832, 883 and 922; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

May 5, 1999

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s) 598, 955, 1122, 1405, 1645 and 1811.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 5, 1999

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 45, 46, 47 and 48; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 5, 1999

The Speaker signed the following: House Resolution(s) No(s). 45, 46, 47 and 48.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 5, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 978; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 5, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 568, 652, 868, 1248 and 1784; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 568** -- Courts, Juvenile - Authorizes juvenile courts to report identifying information to council of juvenile and family court judges so that council may more accurately track recidivism rates and other pertinent trends; requires council to protect confidentiality of such identifying information. Amends TCA Section 37-1-506. by *Person, *Williams. (HB792 by *Walley)

***Senate Bill No. 652** -- Physicians and Surgeons - Prohibits physician and doctor of osteopathy from sending medical information to practitioner outside Tennessee if such information is to be used to make diagnoses or treatment plans for patient located in Tennessee; sets out exceptions for second opinions, academic consultations, insurance coverage determinations, etc. Amends TCA Title 63. by *Cooper. (HB1088 by *Odom)

***Senate Bill No. 868** -- Victims' Rights - Provides that certain identifying information regarding orders of protection, restraining orders, shelters, victims and witnesses in criminal cases be treated as confidential. Amends TCA Title 10, Chapter 7, Part 5 and Title 36, Chapter 3, Part 6. by *Burks, *Atchley, *Person, *Williams, *Crowe. (HB1618 by *McMillan, *Hargrove, *Chumney, *Black, *Cooper B, *Hassell, *Hagood, *McDaniel, *Odom, *Harwell, *Naifeh, *Hargett)

***Senate Bill No. 1248** -- Energy - Clarifies that municipal electric plants can use eminent domain to condemn property; increases compensation of members of board of public utilities from \$100 to \$200 per month. Amends TCA Section 7-52-105 and Section 7-52-110. by *Herron. (HB1298 by *Maddox, *Pinion, *Kisber, *Curtiss, *Rhinehart, *Phelan, *Cole (Dyer), *Fitzhugh)

Senate Bill No. 1784 -- Public Contracts - Specifies that at meeting with protesting party, head of affected department or agency may seek clarification of contract solicitation process protest issues Amends TCA Section 12-4-109. by *Miller J. (*HB1863 by *McDaniel)

MESSAGE FROM THE SENATE

May 5, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 229, 231, 232, 233, 235, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 257, 267, 268, 269, 270, 271, 272, 273 and 274; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 229 -- Memorials, Death - Brock Speer. by *Haun.

Senate Joint Resolution No. 231 -- Memorials, Academic Achievement - Scotty Migliaccio, Salutatorian, Bible Baptist Academy. by *Kurita.

Senate Joint Resolution No. 232 -- Memorials, Academic Achievement - Dana Whitehead, second place, Letters About Literature contest. by *Burks.

Senate Joint Resolution No. 233 -- Memorials, Interns - Lora Henke. by *Ramsey, *Crowe.

Senate Joint Resolution No. 235 -- Memorials, Personal Achievement - Alecia Pleasant, State Future Farmers of America Prepared Public Speaking Career Development Contest. by *Crowe.

Senate Joint Resolution No. 241 -- Memorials, Academic Achievement - Alison Winstead, Heritage High School Salutatorian. by *Clabough.

Senate Joint Resolution No. 242 -- Memorials, Academic Achievement - Heidi Winstead, 1999 Heritage High School Valedictorian. by *Clabough.

Senate Joint Resolution No. 243 -- Memorials, Academic Achievement - Jenny L. Noseworthy, Salutatorian, Gatlinburg-Pittman High School. by *Clabough.

Senate Joint Resolution No. 244 -- Memorials, Academic Achievement - Edwina Jeanette Booth, Salutatorian, Gatlinburg-Pittman High School. by *Clabough.

Senate Joint Resolution No. 245 -- Memorials, Academic Achievement - Abby Elizabeth Jones, Gatlinburg-Pittman High School Valedictorian. by *Clabough.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 246 -- Memorials, Academic Achievement - Ryan Stargel, 1999 William Blount High School Salutatorian. by *Clabough.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement - Anthony Minutolo, William Blount High School Valedictorian. by *Clabough.

Senate Joint Resolution No. 248 -- Memorials, Academic Achievement - Brooke Suzanne Williams, Salutatorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 249 -- Memorials, Academic Achievement - Dustin E. Stokes, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 250 -- Memorials, Academic Achievement - Kelly Ballard, 1999 Seymour High School Valedictorian. by *Clabough.

Senate Joint Resolution No. 251 -- Memorials, Academic Achievement - Sherrie "Danielle" Caylor, Valedictorian, Seymour High School. by *Clabough.

Senate Joint Resolution No. 252 -- Memorials, Academic Achievement - Barbara Thomas, Maryville High School Valedictorian. by *Clabough.

Senate Joint Resolution No. 253 -- Memorials, Academic Achievement - Justin D. Caughron, Maryville High School Salutatorian. by *Clabough.

Senate Joint Resolution No. 254 -- Memorials, Personal Achievement - LaKishia Goss, Boys and Girls Clubs of America's Tennessee Youth of the Year. by *Clabough.

Senate Joint Resolution No. 257 -- Memorials, Public Service - Jerry L. Campbell, Executive Director, Tennessee Valley Public Power Association. by *Crutchfield, *Harper.

Senate Joint Resolution No. 267 -- Memorials, Academic Achievement - April J'nene Carter, Salutatorian, Craigmont High School. by *Kyle.

Senate Joint Resolution No. 268 -- Memorials, Academic Achievement - Tara Noah, Salutatorian, Kingsbury High School. by *Kyle.

Senate Joint Resolution No. 269 -- Memorials, Academic Achievement - Irina Cortez, Valedictorian, Treadwell High School. by *Kyle.

Senate Joint Resolution No. 270 -- Memorials, Academic Achievement - Tandy Vu, Treadwell High School, Salutatorian. by *Kyle.

Senate Joint Resolution No. 271 -- Memorials, Academic Achievement - Laura Patrice Bufford, Valedictorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 272 -- Memorials, Academic Achievement - LaTonya Shanell Jones, Salutatorian, Trezevant High School. by *Kyle.

Senate Joint Resolution No. 273 -- Memorials, Academic Achievement - Kimberly Nicole Jones, Salutatorian, Frayser High School. by *Kyle.

WEDNESDAY, MAY 5, 1999 -- TWENTY-SIXTH LEGISLATIVE DAY

Senate Joint Resolution No. 274 -- Memorials, Academic Achievement - Monica Renette Royal, Valedictorian, Frayser High School. by *Kyle.

MESSAGE FROM THE SENATE
May 5, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 647, 677, 818, 883, 895, 914, 984, 1028, 1091, 1120, 1375, 1446, 1456, 1496, 1550, 1559, 1592, 1712, 1752, 1793, 1826, 1856, 1914, 1915, 1918 and 1945; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
May 5, 1999

The Speaker signed the following: Senate Bill(s) No(s). 647, 677, 818, 883, 895, 914, 984, 1028, 1091, 1120, 1375, 1446, 1456, 1496, 1550, 1559, 1592, 1712, 1752, 1793, 1826, 1856, 1914, 1915, 1918 and 1945.

MESSAGE FROM THE SENATE
May 5, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 36, 508, 619, 675, 676, 1268 and 1310; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

WEDNESDAY, MAY 5, 1999 – TWENTY-SIXTH LEGISLATIVE DAY

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m. on Thursday, May 6, 1999.